General Assembly

Raised Bill No. 7306

January Session, 2007

LCO No. **5058**

05058_____GAE

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

AN ACT CONCERNING GOVERNMENT ADMINISTRATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (*Effective from passage*) The joint standing committee of the General Assembly having cognizance of matters relating to government administration shall conduct a study of government administration statutes and, not later than January 1, 2008, shall submit a report to the General Assembly on its findings and recommendations.

Sec. 2. (NEW) (*Effective October 1, 2007*) (a) There is established an Office of the Inspector General which shall act to detect and prevent fraud, waste and abuse in the management of state personnel, in the use and disposition of public property, and in the collection, disbursement and expenditure of state and federal funds administered by state or local governmental agencies. The Office of the Inspector General shall also evaluate the economy, efficiency and effectiveness of state agencies in the performance of their delegated duties and functions.

(b) The Inspector General shall be appointed by the Auditors of Public Accounts in accordance with this subsection. A committee consisting of the president pro tempore of the Senate, the speaker of the House of Representatives, the minority leaders of the Senate and the House of Representatives, the cochairpersons and ranking members of the joint standing committee of the General Assembly having cognizance of matters relating to government administration and to the cochairpersons of the Legislative Program Review and Investigations Committee shall submit to the Auditors of Public Accounts the names of three candidates for appointment to the position of Inspector General. The Auditors of Public Accounts shall appoint one of such candidates to be Inspector General with the advice and consent of the General Assembly. The auditors, not later than ninety days after the submission to them by the committee of the candidates for appointment, shall make such appointment, provided if the auditors fail to make such appointment within said period the committee by majority vote shall make such appointment. The Inspector General shall be appointed on the basis of integrity and competence demonstrated in appropriate fields. The Inspector General shall hold office for a term of five years and until the appointment of a successor, unless sooner removed for just cause by the Auditors of Public Accounts. Such cause may include, but not be limited to, material neglect of duty, gross misconduct or conviction of a felony.

Sec. 3. (NEW) (*Effective October 1, 2007*) (a) The Office of the Inspector General shall be an independent office within the Joint Committee on Legislative Management for administrative purposes only.

(b) There is established, within available appropriations, a system for the coordination of efforts between the Office of the Inspector General and officials performing similar duties and internal auditing functions within the various state and local agencies. Such system may include continuing training programs for professional development, the adoption of standard guidelines and procedures and the

organization of a communications network within the system. The internal auditors and support staff within the agencies shall remain assigned to such agencies but shall have their annual internal audit program approved by the Inspector General.

(c) The Inspector General may adopt regulations, in accordance with chapter 54 of the general statutes, to implement the provisions of sections 2 to 5, inclusive, of this act. The Inspector General may employ necessary staff, within available appropriations.

Sec. 4. (NEW) (*Effective October 1, 2007*) (a) The Inspector General shall: (1) Conduct preemptive inspections, inquiries and investigations relating to programs and operations involving the collection, administration or expenditure of public funds, the use or disposition of state owned or leased property or the management practices and regulatory or statutory compliance of state agencies; (2) have access to all records, data and material maintained by or available to any governmental agency; and (3) have access to all records, data and material maintained by or available to any person or organization involved in the collection, expenditure or administration of public funds, control of state owned or leased property or management of state employees.

(b) The Inspector General may make application to a panel of three superior court judges, appointed by the Chief Court Administrator, for the issuance of a subpoena whenever such subpoena is necessary in order to obtain information which is not otherwise available and which is needed in the performance of the Inspector General's duties. Any person aggrieved by the issuance of a subpoena by the Inspector General may petition the Superior Court for relief.

Sec. 5. (NEW) (*Effective October 1, 2007*) (a) The Inspector General may make recommendations to the Governor, the General Assembly and to the Legislative Program Review and Investigations Committee concerning the prevention and detection of fraud, waste and abuse, including recommendations concerning legislation and regulations or

the coordination of preventative measures by governmental and nongovernmental entities. The Inspector General may assist or request assistance from any governmental agency, state employee or person or organization collecting or expending public funds or controlling state owned or leased property.

(b) The Inspector General shall report findings of fact along with any recommendations: (1) To the Chief State's Attorney or the State Ethics Commission, when there is a reasonable belief that a state law has been or is being violated; (2) to the Attorney General, when there is a reasonable belief that civil recovery proceedings are appropriate; (3) to the United States Attorney, when there is a reasonable belief that a federal law has been or is being violated or when civil recovery is appropriate; and (4) to the appropriate municipal authority when there is a reasonable belief that civil recovery proceedings are appropriate.

(c) On or before October 31, 2008, and annually thereafter, the Inspector General shall submit a report concerning the activities of the office to the Governor, the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and government administration and to the Legislative Program Review and Investigations Committee. The Inspector General may make such other reports as the Inspector General deems appropriate.

(d) All records of the Office of the Inspector General relating to actual or potential inspections, or inquiries or investigations shall be confidential and shall not be public records under the Freedom of Information Act, as defined in section 1-200 of the general statutes, until such time as all such audits or investigations have been concluded and all criminal and civil actions arising from the records have been finally adjudicated or otherwise settled or to such extent as may be deemed appropriate by the Inspector General in the performance of the Inspector General's duties, whichever is earlier. Records which are otherwise public documents shall not be deemed confidential solely because they have been transferred to the custody

of the Inspector General. Where there are statutory requirements of confidentiality with regard to such records, books, data, files and other material printed or otherwise, maintained by a state agency, such requirements of confidentiality and penalties for the violation of such requirements shall apply to the Inspector General and to the Inspector General's agents in the same manner and to the same extent as such requirements of confidentiality and penalties apply to such state agency.

Sec. 6. Section 2-90 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) The Auditors of Public Accounts shall organize the work of their office in such manner as they deem most economical and efficient and shall determine the scope and frequency of any audit they conduct.

(b) Said auditors, with the Comptroller, shall, at least annually and as frequently as they deem necessary, audit the books and accounts of the Treasurer, including, but not limited to, trust funds, as defined in section 3-13c, and certify the results to the Governor. The auditors shall, at least annually and as frequently as they deem necessary, audit the books and accounts of the Comptroller and certify the results to the Governor. They shall examine and prepare certificates of audit with respect to the financial statements contained in the annual reports of the Treasurer and Comptroller, which certificates shall be made part of such annual reports. In carrying out their responsibilities under this section, said auditors may retain independent auditors to assist them.

(c) Said auditors shall audit, on a biennial basis if deemed most economical and efficient, or as frequently as they deem necessary, the books and accounts of each officer, department, commission, board and court of the state government, all institutions supported by the state and all public and quasi-public bodies, politic and corporate, created by public or special act of the General Assembly and not required to be audited or subject to reporting requirements, under the provisions of chapter 111. Each such audit may include an examination

of performance in order to determine effectiveness in achieving expressed legislative purposes. The auditors shall report their findings and recommendations to the Governor, the State Comptroller, the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, and the Legislative Program Review and Investigations Committee.

(d) The Auditors of Public Accounts may enter into such contractual agreements as may be necessary for the discharge of their duties. Any audit or report which is prepared by a person, firm or corporation pursuant to any contract with the Auditors of Public Accounts shall bear the signature of the person primarily responsible for the preparation of such audit or report. As used in this subsection, the term "person" means a natural person.

(e) If the Auditors of Public Accounts discover, or if it should come to their knowledge, that any unauthorized, illegal, irregular or unsafe handling or expenditure of state funds or any breakdown in the safekeeping of any resources of the state has occurred or is contemplated, they shall forthwith present the facts to the Governor, the State Comptroller, the clerk of each house of the General Assembly, the Inspector General, the Legislative Program Review and Investigations Committee and the Attorney General. Any Auditor of Public Accounts neglecting to make such a report, or any agent of the auditors neglecting to report to the Auditors of Public Accounts any such matter discovered by **[**him**]** the auditor or coming to **[**his**]** the auditor's knowledge shall be fined not more than one hundred dollars or imprisoned not more than six months, or both.

(f) All reports issued or made pursuant to this section shall be retained in the offices of the Auditors of Public Accounts for a period of not less than five years. The auditors shall file one copy of each such report with the State Librarian.

(g) Each state agency shall keep its accounts in such form and by such methods as to exhibit the facts required by said auditors and, the

provisions of any other general statute notwithstanding, shall make all records and accounts available to them or their agents, upon demand.

(h) Where there are statutory requirements of confidentiality with regard to such records and accounts or examinations of nongovernmental entities which are maintained by a state agency, such requirements of confidentiality and the penalties for the violation thereof shall apply to the auditors and to their authorized representatives in the same manner and to the same extent as such requirements of confidentiality and penalties apply to such state agency. In addition, the portion of any audit or report prepared by the Auditors of Public Accounts that concerns the internal control structure of a state information system shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200.

Sec. 7. Section 4-61dd of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) Any person having knowledge of any matter involving corruption, unethical practices, violation of state laws or regulations, mismanagement, gross waste of funds, abuse of authority or danger to the public safety occurring in any state department or agency or any quasi-public agency, as defined in section 1-120, or any person having knowledge of any matter involving corruption, violation of state or federal laws or regulations, gross waste of funds, abuse of authority or danger to the public safety occurring in any large state contract, may transmit all facts and information in such person's possession concerning such matter to the **[**Auditors of Public Accounts. The Auditors of Public Accounts**]** Inspector General. The Inspector General shall review such matter and report **[**their**]** any findings and any recommendations to the Attorney General. Upon receiving such a report, the Attorney General shall make such investigation as the Attorney General deems proper regarding such report and any other information that may be reasonably derived from such report. Prior to

conducting an investigation of any information that may be reasonably derived from such report, the Attorney General shall consult with the **[**Auditors of Public Accounts**]** Inspector General concerning the relationship of such additional information to the report that has been issued pursuant to this subsection. Any such subsequent investigation deemed appropriate by the Attorney General shall only be conducted with the concurrence and assistance of the **[**Auditors of Public Accounts**]** Inspector General. At the request of the Attorney General or on their own initiative, the auditors shall assist in the investigation. The Attorney General shall have power to summon witnesses, require the production of any necessary books, papers or other documents and administer oaths to witnesses, where necessary, for the purpose of an investigation pursuant to this section. Upon the conclusion of the investigation, the Attorney General shall where necessary, report any findings to the Governor, or in matters involving criminal activity, to the Chief State's Attorney. In addition to the exempt records provision of section 1-210, the **[**Auditors of Public Accounts**]** Inspector General and the Attorney General shall not, after receipt of any information from a person under the provisions of this section, disclose the identity of such person without such person's consent unless the **[**Auditors of Public Accounts**]** Inspector General or the Attorney General determines that such disclosure is unavoidable, and may withhold records of such investigation, during the pendency of the investigation.

(b) (1) No state officer or employee, as defined in section 4-141, no quasi-public agency officer or employee, no officer or employee of a large state contractor and no appointing authority shall take or threaten to take any personnel action against any state or quasi-public agency employee or any employee of a large state contractor in retaliation for such employee's or contractor's disclosure of information to (A) an employee of the **[**Auditors of Public Accounts**]** Inspector General or the Attorney General under the provisions of subsection (a) of this section; (B) an employee of the state agency or quasi-public agency where such state officer or employee is employed;

(C) an employee of a state agency pursuant to a mandated reporter statute; or (D) in the case of a large state contractor, an employee of the contracting state agency concerning information involving the large state contract.

(2) If a state or quasi-public agency employee or an employee of a large state contractor alleges that a personnel action has been threatened or taken in violation of subdivision (1) of this subsection, the employee may notify the Attorney General, who shall investigate pursuant to subsection (a) of this section.

(3) (A) Not later than thirty days after learning of the specific incident giving rise to a claim that a personnel action has been threatened or has occurred in violation of subdivision (1) of this subsection, a state or quasi-public agency employee, an employee of a large state contractor or the employee's attorney may file a complaint concerning such personnel action with the Chief Human Rights Referee designated under section 46a-57. The Chief Human Rights Referee shall assign the complaint to a human rights referee appointed under section 46a-57, who shall conduct a hearing and issue a decision concerning whether the officer or employee taking or threatening to take the personnel action violated any provision of this section. If the human rights referee finds such a violation, the referee may award the aggrieved employee reinstatement to the employee's former position, back pay and reestablishment of any employee benefits for which the employee would otherwise have been eligible if such violation had not occurred, reasonable attorneys' fees, and any other damages. For the purposes of this subsection, such human rights referee shall act as an independent hearing officer. The decision of a human rights referee under this subsection may be appealed by any person who was a party at such hearing, in accordance with the provisions of section 4-183.

(B) The Chief Human Rights Referee shall adopt regulations, in accordance with the provisions of chapter 54, establishing the procedure for filing complaints and noticing and conducting hearings

under subparagraph (A) of this subdivision.

(4) As an alternative to the provisions of subdivisions (2) and (3) of this subsection: (A) A state or quasi-public agency employee who alleges that a personnel action has been threatened or taken may file an appeal not later than thirty days after learning of the specific incident giving rise to such claim with the Employees' Review Board under section 5-202, or, in the case of a state or quasi-public agency employee covered by a collective bargaining contract, in accordance with the procedure provided by such contract; or (B) an employee of a large state contractor alleging that such action has been threatened or taken may, after exhausting all available administrative remedies, bring a civil action in accordance with the provisions of subsection (c) of section 31-51m.

(5) In any proceeding under subdivision (2), (3) or (4) of this subsection concerning a personnel action taken or threatened against any state or quasi-public agency employee or any employee of a large state contractor, which personnel action occurs not later than one year after the employee first transmits facts and information concerning a matter under subsection (a) of this section to the **[**Auditors of Public Accounts**]** Inspector General or the Attorney General, there shall be a rebuttable presumption that the personnel action is in retaliation for the action taken by the employee under subsection (a) of this section.

(6) If a state officer or employee, as defined in section 4-141, a quasi-public agency officer or employee, an officer or employee of a large state contractor or an appointing authority takes or threatens to take any action to impede, fail to renew or cancel a contract between a state agency and a large state contractor, or between a large state contractor and its subcontractor, in retaliation for the disclosure of information pursuant to subsection (a) of this section to any agency listed in subdivision (1) of this subsection, such affected agency, contractor or subcontractor may, not later than ninety days after learning of such action, threat or failure to renew, bring a civil action in the superior

court for the judicial district of Hartford to recover damages, attorney's fees and costs.

(c) Any employee of a state or quasi-public agency or large state contractor, who is found to have knowingly and maliciously made false charges under subsection (a) of this section, shall be subject to disciplinary action by such employee's appointing authority up to and including dismissal. In the case of a state or quasi-public agency employee, such action shall be subject to appeal to the Employees' Review Board in accordance with section 5-202, or in the case of state or quasi-public agency employees included in collective bargaining contracts, the procedure provided by such contracts.

(d) On or before September first, annually, the **[**Auditors of Public Accounts**]** Inspector General shall submit to the clerk of each house of the General Assembly a report indicating the number of matters for which facts and information were transmitted to the auditors pursuant to this section during the preceding state fiscal year and the disposition of each such matter.

(e) Each contract between a state or quasi-public agency and a large state contractor shall provide that, if an officer, employee or appointing authority of a large state contractor takes or threatens to take any personnel action against any employee of the contractor in retaliation for such employee's disclosure of information to any employee of the contracting state or quasi-public agency or the **[**Auditors of Public Accounts**]** Inspector General or the Attorney General under the provisions of subsection (a) of this section, the contractor shall be liable for a civil penalty of not more than five thousand dollars for each offense, up to a maximum of twenty per cent of the value of the contract. Each violation shall be a separate and distinct offense and in the case of a continuing violation each calendar day's continuance of the violation shall be deemed to be a separate and distinct offense. The executive head of the state or quasi-public agency may request the Attorney General to bring a civil action in the superior

court for the judicial district of Hartford to seek imposition and recovery of such civil penalty.

(f) Each large state contractor shall post a notice of the provisions of this section relating to large state contractors in a conspicuous place which is readily available for viewing by the employees of the contractor.

(g) No person who, in good faith, discloses information to the **[**Auditors of Public Accounts**]** Inspector General or the Attorney General in accordance with this section shall be liable for any civil damages resulting from such good faith disclosure.

(h) As used in this section:

(1) "Large state contract" means a contract between an entity and a state or quasi-public agency, having a value of five million dollars or more; and

(2) "Large state contractor" means an entity that has entered into a large state contract with a state or quasi-public agency.

Sec. 8. Section 20-281c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The board shall grant the certificate of "certified public accountant" to any person who meets the good character, education, experience and examination requirements of subsections (b) to (d), inclusive, of this section and upon the payment of a fee of seventy-five dollars.

(b) Good character for purposes of this section means lack of a history of dishonest or felonious acts. The board may refuse to grant a certificate on the grounds of failure to satisfy this requirement only if there is a substantial connection between the lack of good character of the applicant and the professional responsibilities of a licensee and if the finding by the board of lack of good character is supported by clear

and convincing evidence, and when based upon the prior conviction of a crime, is in accordance with the provisions of section 46a-80. When an applicant is found to be unqualified for a certificate because of a finding of lack of good character, the board shall furnish the applicant a statement containing the findings of the board and a complete record of the evidence upon which the determination was based.

(c) **[**The educational requirement for a certificate must be met before an applicant is eligible to apply for the examination.**]** An applicant may apply to take the examination if such person holds a baccalaureate degree, or its equivalent, conferred by a college or university acceptable to the board, with an accounting concentration or equivalent, as determined by the board by regulation to be appropriate. The educational requirements for a certificate shall be prescribed in regulations to be adopted by the board as follows:

(1) Until December 31, 1999, a baccalaureate degree or its equivalent conferred by a college or university acceptable to the board, with an accounting concentration or equivalent as determined by the board by regulation to be appropriate;

(2) After January 1, 2000, at least one hundred fifty semester hours of college education including a baccalaureate or higher degree conferred by a college or university acceptable to the board. The total educational program shall include an accounting concentration or equivalent, as determined by the board by regulation to be appropriate.

(d) The board may charge, or provide for a third party administering the examination to charge each applicant a fee in an amount prescribed by the board by regulation, for each section of the examination or reexamination taken by the applicant.

(e) The experience requirement for a certificate shall be as prescribed by the board by regulation.

(f) The holder of a certificate may register his certificate annually and pay a fee of twenty dollars in lieu of an annual renewal of a license and such registration shall entitle the registrant to use the abbreviation "CPA" and the title "certified public accountant" under conditions and in the manner prescribed by the board by regulation.

Sec. 9. Section 2-71h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) The supervision, security, utilization and control of the State Capitol building, the State Capitol grounds and parking facilities, exclusive of the present offices and parking facilities of the Governor, Lieutenant Governor, Secretary of the State and Secretary of the Office of Policy and Management and their respective staffs, the Legislative Office Building and parking garage and related structures and the grounds and parking facilities thereon, and other facilities and areas made available to or used by the committee shall be as determined by the Joint Committee on Legislative Management. The Joint Committee on Legislative Management shall maintain such buildings, related structures, grounds and parking facilities. The Joint Committee on Legislative Management shall adopt regulations (1) for the maintenance of order within such buildings and related structures and on such grounds and on those grounds, buildings and facilities made available for the use of said committee, and (2) establishing the regular business hours for such buildings and all offices housed within such buildings. Any person violating any such regulations shall be fined not more than one hundred dollars, except that any person who parks a motor vehicle in violation of such regulations shall have committed an infraction and shall be fined not more than ninety dollars. The enforcement of such regulations shall be by the Office of State Capitol Police. Notwithstanding the provisions of this subsection, the Commissioner of Public Works may provide for additional parking on land under the control of the Joint Committee on Legislative Management with the approval of said committee.

(b) The Joint Committee on Legislative Management shall assign permanent office space in a room in a building under its control for the use of authorized representatives of newspapers and press associations.

(c) The Joint Committee on Legislative Management shall cause the national and state flags to be displayed on the State Capitol and at the Legislative Office Building from sunrise to sunset of each day.

(d) Not later than February 1, 2008, the Joint Committee on Legislative Management shall increase the number of parking spaces available to the public at the State Capitol Building and the Legislative Office Building by relocating parking of all executive branch employees, except military department employees, that is currently located in the Legislative Office Building parking garage and the parking lot located at Capitol Avenue and Broad Street.

Sec. 10. (NEW) (*Effective from passage*) The Ballroom Polka, as composed by Ray Henry Mocarski, shall be the state polka.

Sec. 11. Subsection (a) of section 10-29a of the general statutes is amended by adding subdivisions (52) to (54), inclusive, as follows (*Effective from passage*):

(NEW) (52) The Governor shall proclaim the twenty-ninth day of January of each year to be Thomas Paine Day to honor Thomas Paine, the author and theorist, for his instrumental role in the cause of independence leading to the American Revolution. Suitable exercises shall be held in the State Capitol and elsewhere as the Governor designates for the observance of the day.

(NEW) (53) The Governor shall proclaim August twenty-fourth of each year to be Missing Persons Day to raise awareness of the plight of the families of state citizens who have been reported as missing. Suitable exercises shall be held in the State Capitol and elsewhere as the Governor designates for the observance of the day.

(NEW) (54) The Governor shall proclaim October of each year to be Italian-American Heritage Month in order to honor the contributions of Italian immigrants and citizens of Italian descent to our state. Suitable exercises shall be held in the State Capitol and elsewhere as the Governor designates for the observance of the month.

Sec. 12. Section 2c-2b of the general statutes of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The following governmental entities and programs are terminated, effective July 1, **[**2008**]** 2010, unless reestablished in accordance with the provisions of section 2c-10:

(1) Regulation of hearing aid dealers pursuant to chapter 398;

(2) Repealed by P.A. 99-102, S. 51;

(3) Connecticut Homeopathic Medical Examining Board, established under section 20-8;

(4) State Board of Natureopathic Examiners, established under section 20-35;

(5) Board of Examiners of Electrologists, established under section 20-268;

(6) Connecticut State Board of Examiners for Nursing, established under section 20-88;

(7) Connecticut Board of Veterinary Medicine, established under section 20-196;

(8) Liquor Control Commission, established under section 30-2;

(9) Connecticut State Board of Examiners for Optometrists, established under section 20-128a;

(10) Board of Examiners of Psychologists, established under section 20-186;

(11) Regulation of speech pathologists and audiologists pursuant to chapter 399;

(12) Connecticut Examining Board for Barbers and Hairdressers and Cosmeticians established under section 20-235a;

(13) Board of Examiners of Embalmers and Funeral Directors established under section 20-208;

(14) Regulation of nursing home administrators pursuant to chapter 368v;

(15) Board of Examiners for Opticians established under section 20-139a;

(16) Medical Examining Board established under section 20-8a;

(17) Board of Examiners in Podiatry, established under section 20-51;

(18) Board of Chiropractic Examiners, established under section 20-25;

(19) The agricultural lands preservation program, established under section 22-26cc;

(20) Nursing Home Ombudsmen Office, established under section 17a-405;

(21) Mobile Manufactured Home Advisory Council established under section 21-84a;

(22) Repealed by P.A. 93-262, S. 86, 87;

(23) The Child Day Care Council established under section 17b-748;

(24) The Connecticut Advisory Commission on Intergovernmental Relations established under section 2-79a;

(25) The Commission on Children established under section 46a-126;

(26) The task force on the development of incentives for conserving energy in state buildings established under section 16a-39b;

(27) The estuarine embayment improvement program established by sections 22a-113 to 22a-113c, inclusive;

(28) The State Dental Commission, established under section 20-103a;

(29) The Connecticut Economic Information Steering Committee, established under section 32-6i;

(30) Repealed by P.A. 95-257, S. 57, 58; and

(31) The registry established under section 17a-247b.

(b) The following governmental entities and programs are terminated, effective July 1, **[**2009**]** 2111, unless reestablished in accordance with the provisions of section 2c-10:

(1) Program of regulation of sanitarians, established under chapter 395;

(2) Program of regulation of subsurface sewage disposal system installers and cleaners, established under chapter 393a;

(3) Program of regulation of bedding and upholstered furniture established by sections 21a-231 to 21a-236, inclusive;

(4) Regional mental health boards, established under section 17a-484;

(5) Repealed by P.A. 88-285, S. 34, 35;

(6) All advisory boards for state hospitals and facilities, established under section 17a-470;

(7) Repealed by P.A. 85-613, S. 153, 154;

(8) State Board of Examiners for Physical Therapists, established under section 20-67;

(9) Commission on Medicolegal Investigations, established under subsection (a) of section 19a-401;

(10) Board of Mental Health and Addiction Services, established under section 17a-456;

(11) Repealed by P.A. 95-257, S. 57, 58;

(12) Commission on Prison and Jail Overcrowding established under section 18-87j; and

(13) The residential energy conservation service program authorized under sections 16a-45a, 16a-46 and 16a-46a.

(c) The following governmental entities and programs are terminated, effective July 1, **[**2010**]** 2012, unless reestablished in accordance with the provisions of section 2c-10:

(1) Board of Firearms Permit Examiners, established under section 29-32b;

(2) State Board of Landscape Architects, established under section 20-368;

(3) Repealed by P.A. 89-364, S. 6, 7;

(4) Police Officer Standards and Training Council, established under section 7-294b;

(5) State Board of Examiners for Professional Engineers and Land Surveyors, established under section 20-300;

(6) State boards for occupational licensing, established under section 20-331;

(7) Commission of Pharmacy, established under section 20-572;

(8) Connecticut Real Estate Commission, established under section 20-311a;

(9) State Codes and Standards Committee, established under section 29-251;

(10) Commission on Fire Prevention and Control, established under section 7-323k;

(11) Program of regulation of building demolition, established under section 29-401;

(12) Repealed by P.A. 93-262, S. 86, 87 and P.A. 93-423, S. 7; and

(13) Connecticut Food Policy Council, established under section 22-456.

(d) The following governmental entities and programs are terminated, effective July 1, **[**2011**]** 2013, unless reestablished in accordance with the provisions of section 2c-10:

(1) State Insurance and Risk Management Board, established under section 4a-19;

(2) Connecticut Marketing Authority, established under section 22-63;

(3) Occupational Safety and Health Review Commission, established under section 31-376;

(4) Connecticut Siting Council, established under section 16-50j;

(5) Connecticut Public Transportation Commission, established under section 13b-11a;

(6) State Board of Accountancy, established under section 20-280;

(7) Repealed by P.A. 99-73, S. 10;

(8) Repealed by P.A. 85-613, S. 153, 154;

(9) State Milk Regulation Board, established under section 22-131;

(10) Deleted by P.A. 99-73, S. 1;

(11) Council on Environmental Quality, established under section 22a-11;

(12) Repealed by P.A. 85-613, S. 153, 154;

(13) Repealed by P.A. 83-487, S. 32, 33;

(14) Employment Security Board of Review, established under section 31-237c;

(15) Repealed by P.A. 85-613, S. 153, 154;

(16) Connecticut Energy Advisory Board, established under section 16a-3;

(17) Connecticut Solid Waste Management Advisory Council, established under subsection (a) of section 22a-279;

(18) Investment Advisory Council, established under section 3-13b;

(19) State Properties Review Board, established under subsection (a) of section 4b-3;

(20) Commission on Human Rights and Opportunities, established under section 46a-52;

(21) The coastal management program, established under chapter 444;

(22) Department of Economic and Community Development,

established under sections 4-38c and 8-37r;

(23) Family support grant program of the Department of Social Services, established under section 17b-616;

(24) Program of regulation of occupational therapists, established under chapter 376a;

(25) Repealed by P.A. 85-613, S. 153, 154;

(26) Architectural Licensing Board, established under section 20-289;

(27) Repealed by June Sp. Sess. P.A. 01-5, S. 17, 18; and

(28) The Connecticut Transportation Strategy Board.

(e) The following governmental entities and programs are terminated, effective July 1, **[**2012**]** 2014, unless reestablished in accordance with the provisions of section 2c-10:

(1) Regional advisory councils for children and youth center facilities, established under section 17a-30;

(2) Repealed by P.A. 93-262, S. 86, 87;

(3) Advisory Council on Children and Families, established under section 17a-4;

(4) Board of Education and Services for the Blind, established under section 10-293;

(5) Repealed by P.A. 84-361, S. 6, 7;

(6) Commission on the Deaf and Hearing Impaired, established under section 46a-27;

(7) Advisory and planning councils for regional centers for the mentally retarded, established under section 17a-273;

(8) Repealed by P.A. 01-141, S. 15, 16;

(9) Repealed by P.A. 94-245, S. 45, 46;

(10) Repealed by P.A. 85-613, S. 153, 154;

(11) State Library Board, established under section 11-1;

(12) Advisory Council for Special Education, established under section 10-76i;

(13) Repealed by June 30 Sp. Sess. P.A. 03-6, S. 248;

(14) Repealed by June 30 Sp. Sess. P.A. 03-6, S. 248;

(15) Repealed by P.A. 89-362, S. 4, 5;

(16) Repealed by June Sp. Sess. P.A. 91-14, S. 28, 30;

(17) Repealed by P.A. 90-230, S. 100, 101;

(18) State Commission on Capitol Preservation and Restoration, established under section 4b-60;

(19) Repealed by P.A. 90-230, S. 100, 101; and

(20) Examining Board for Crane Operators, established under section 29-222.

Sec. 13. (*Effective from passage*) The Legislative Program Review and Investigations Committee shall conduct a study of the sunset law contained in chapter 28 of the general statutes. The study shall address the needs and merits of the sunset law and alternative methods of addressing such needs and other performance measurement processes. Not later than January 15, 2008, the Legislative Program Review and Investigations Committee shall report its findings and recommendations.

Sec. 14. (NEW) (*Effective from passage*) The Southern Connecticut

Renaissance Festival shall be the state renaissance festival.

Sec. 15. (NEW) (*Effective October 1, 2007*) (a) Not later than January 1, 2008, the Commissioner of Environmental Protection, in consultation with the Commissioner of Public Utility Control, shall establish a division within the Department of Environmental Protection to manage unregulated, customer side, load response incentives and fund such division with a profits tax on independent power producers equal to fifty per cent of the Federally Mandated Congestion Charges, including any LICAP assessments, in their tariffs.

(b) Not later than January 1, 2008, the Commissioner of Public Utility Control shall develop a plan to authorize any nonsupply side person or entity to aggregate load reduction resources and sell such resources to distribution companies in minimum volumes of one hundred kilowatts or more, for one hour or more, during peak power periods at a price equal to the New England ISO electricity price per kilowatt hour at the time of such sale. Such plan shall also authorize any provider of such load reductions to share the provider's revenues with anyone who provides the actual reduction in load. The Commissioner of Public Utility Control shall also establish a register of independent, location load reduction aggregators.

Sec. 16. *(Effective from passage)* Notwithstanding any provision of the general statutes, a portion of the state surplus for the current fiscal year shall be utilized to pay-off or reduce Competitive Transition Debt and immediately lower electricity rates.

Sec. 17. (NEW) (*Effective October 1, 2007*) On and after the effective date of this section, the State Building Inspector and the codes and standards committee shall amend the State Building Code to require all newly constructed residential structures to include an energy storage system capable of recycling off-peak power to peak periods.

Sec. 18. (NEW) (*Effective from passage*) Not later than January 1, 2008, the Commissioner of Revenue Services shall develop a plan to impose

a profits tax on independent power producers in an amount equal to the Federally Mandated Congestion Charges.

Sec. 19. Subsection (a) of section 16-2a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) There shall continue to be an independent Office of Consumer Counsel, within the **[**Department of Public Utility Control**]** office of the Attorney General for administrative purposes only, to act as the advocate for consumer interests in all matters which may affect Connecticut consumers with respect to public service companies, electric suppliers and certified telecommunications providers. The Office of Consumer Counsel is authorized to appear in and participate in any regulatory or judicial proceedings, federal or state, in which such interests of Connecticut consumers may be involved, or in which matters affecting utility services rendered or to be rendered in this state may be involved. The Office of Consumer Counsel shall be a party to each contested case before the Department of Public Utility Control and shall participate in such proceedings to the extent it deems necessary. Said Office of Consumer Counsel may appeal from a decision, order or authorization in any such state regulatory proceeding notwithstanding its failure to appear or participate in said proceeding.

Sec. 20. Section 8-41 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) When the governing body of a municipality other than a town adopts a resolution as described in section 8-40, it shall promptly notify the chief executive officer of such adoption. Upon receiving such notice, the chief executive officer shall appoint five persons who are residents of said municipality as commissioners of the authority, except that where the authority operates more than three thousand units the chief executive officer may appoint two additional persons who are residents of the municipality. If the governing body of a town

adopts such a resolution, such body shall appoint five persons who are residents of said town as commissioners of the authority created for such town. The commissioners who are first so appointed shall be designated to serve for a term of either one, two, three, four or five years, except that if the authority has five members, the terms of not more than one member shall expire in the same year. Terms shall commence on the first day of the month next succeeding the date of their appointment, and annually thereafter a commissioner shall be appointed to serve for five years except that any vacancy which may occur because of a change of residence by a commissioner, removal of a commissioner, resignation or death shall be filled for the unexpired portion of the term. If a governing body increases the membership of the authority on or after July 1, 1995, such governing body shall, by resolution, provide for a term of five years for each such additional member. The term of the chairman shall be three years. At least one of such commissioners of an authority having five members, and at least two of such commissioners of an authority having more than five members, shall be a tenant or tenants who live in housing owned or managed by such authority, if any exists, provided that any such tenant shall have resided in such housing for more than one year, and provided further that no such tenant shall have the authority to vote on any matter concerning the establishment or revision of the rents to be charged in any housing owned or managed by such authority. If, on October 1, 1979, a municipality has adopted a resolution as described in section 8-40, but has no tenants serving as commissioners, the chief executive officer of a municipality other than a town or the governing body of a town shall appoint a tenant who meets the qualifications set out in this section as a commissioner of such authority when the next vacancy occurs. **[**No commissioner of an authority may hold any public office in the municipality for which the authority is created.**]** A commissioner shall hold office until his successor is appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk and shall be conclusive evidence of the legal appointment of such commissioner, after he has

taken an oath in the form prescribed in the first paragraph of section 1-25. The powers of each authority shall be vested in the commissioners thereof. Three commissioners shall constitute a quorum if the authority consists of five commissioners. Four commissioners shall constitute a quorum if the authority consists of more than five commissioners. Action may be taken by the authority upon a vote of not less than a majority of the commissioners present, unless the bylaws of the authority require a larger number. The chief executive officer, or, in the case of an authority for a town, the governing body of the town, shall designate which of the commissioners shall be the first chairman, but when the office of chairman of the authority becomes vacant, the authority shall select a chairman from among its commissioners. An authority shall select from among its commissioners a vice chairman, and it may employ a secretary, who shall be executive director, and technical experts and such other officers, agents and employees, permanent and temporary, as it requires, and shall determine their qualifications, duties and compensation, provided, in municipalities having a civil service law, all appointments and promotions, except the employment of the secretary, shall be based on examinations given and lists prepared under such law, and, except so far as may be inconsistent with the terms of this chapter, such civil service law and regulations adopted thereunder shall apply to such housing authority and its personnel. For such legal services as it requires, an authority may employ its own counsel and legal staff. An authority may delegate any of its powers and duties to one or more of its agents or employees. A commissioner, or any employee of the authority who handles its funds, shall be required to furnish an adequate bond. The commissioners shall serve without compensation, but shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their official duties.

(b) Any tenant organization composed of tenants residing within units owned or managed by the appointing authority may indicate to such authority its desire to be notified of any pending appointment of any such commissioner. A reasonable time before appointing any such

commissioner, the appointing authority shall notify any such tenant organization and, in making such appointment, such authority shall consider tenants suggested by such tenant organizations.

(c) Notwithstanding any provision of subsection (a) of this section or any other provision of the general statutes to the contrary, a commissioner of an authority may serve as a justice of the peace or a registrar of voters.

Sec. 21. (NEW) (*Effective from passage*) Any general statute, local law, ordinance, charter or regulation adopted by the state or any political subdivision of the state that refers to persons with disabilities shall utilize language that does not: (1) Imply that such persons are disabled as a whole, (2) equate persons with their condition, or (3) have negative overtones or have a derogatory or demeaning effect.

Sec. 22. Subsection (c) of section 3-117 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, the **[**Commissioner of Administrative Services**]** Chief Information Officer shall charge the appropriations of any state agency, without certification by such agency, for expenses incurred by such agency for basic telephone service, toll telephone service and teletypewriter or computer exchange service. Not later than thirty days following notification of such charge, such agency shall certify to the **[**commissioner**]** Chief Information Officer that such services were provided to such agency. As used in this subsection, (1) "telecommunications service" means and includes: The transmission of any interactive electromagnetic communications including but not limited to voice, image, data and any other information, by means of but not limited to wire, cable, including fiber optical cable, microwave, radio wave or any combinations of such media, and the resale or leasing of any such service. "Telecommunications service" includes but is not limited to basic telephone service, toll telephone service and

teletypewriter or computer exchange service, including but not limited to, residential and business service, directory assistance, two-way cable television service, cellular mobile telephone or telecommunication service, specialized mobile radio and pagers and paging service, including any form of mobile two-way communication. "Telecommunications service" does not include (A) nonvoice services in which computer processing applications are used to act on the information to be transmitted, (B) any services or transactions subject to the sales and use tax under chapter 219, (C) any one-way radio or television broadcasting transmission, (D) any telecommunications service rendered by a company in control of such service when rendered for private use within its organization or (E) any such service rendered by a company controlling such service when such company and the company for which such service is rendered are affiliated companies as defined in section 33-840 or are eligible to file a combined tax return for purposes of the state corporation business tax under chapter 208. (2) "Basic telephone service" means (A) telephone service allowing a telecommunications transmission station to be connected to points within a designated local calling area or (B) any facility or service provided in connection with a service described in subdivision (1) of this subsection but exclusive of any service which is a toll telephone service, teletypewriter or computer exchange service. (3) "Toll telephone service" means and includes the transmission of any interactive electromagnetic communication to points outside the designated local calling area in which the transmission originated for which there is a toll charge which varies in amount with the distance and elapsed transmission time of each individual communication, or a telecommunication service which entitles the subscriber or user, upon the payment of a periodic charge which is determined as a flat amount or upon the basis of total elapsed transmission time, to the privilege of an unlimited number of telephonic or interactive electromagnetic communications to or from all or a substantial portion of the persons having telephone or radio telephone stations in a specified area which is outside the basic telephone system area in which the station

provided with this service is located. (4) "Teletypewriter or computer exchange service" means and includes the access from a teletypewriter, telephone, computer or other data station of which such transmission facility is a part, and the privilege of intercommunications by such station with substantially all persons having teletypewriter, telephone, computer or other data stations constituting a part of the same teletypewriter or computer exchange system, to which the subscriber or user is entitled upon payment of a charge or charges, whether such charge or charges are determined as a flat periodic amount on the basis of distance and elapsed transmission time or some other method.

Sec. 23. Section 4d-90 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There is established a Geospatial Information Systems Council consisting of the following members, or their designees: (1) The Secretary of the Office of Policy and Management; (2) the Commissioners of Environmental Protection, Economic and Community Development, Transportation, Public Safety, Public Health, Public Works, Agriculture, Emergency Management and Homeland Security and Social Services; (3) the Chief Information Officer of the Department of Information Technology; (4) the Chancellor of the Connecticut State University system; (5) the president of The University of Connecticut; (6) the Executive Director of the Connecticut Siting Council; (7) one member who is a user of geospatial information systems appointed by the president pro tempore of the Senate representing a municipality with a population of more than sixty thousand; (8) one member who is a user of geospatial information systems appointed by the minority leader of the Senate representing a regional planning agency; (9) one member who is a user of geospatial information systems appointed by the Governor representing a municipality with a population of less than sixty thousand but more than thirty thousand; (10) one member who is a user of geospatial information systems appointed by the speaker of the House of Representatives representing a municipality with a

population of less than thirty thousand; (11) one member appointed by the minority leader of the House of Representatives who is a user of geospatial information systems; (12) the chairperson of the Public Utility Control Authority; (13) the Adjutant General of the Military Department; and (14) any other persons the council deems necessary appointed by the council. The Governor shall select the chairperson from among the members. The chairperson shall administer the affairs of the council. Vacancies shall be filled by appointment by the authority making the appointment. Members shall receive no compensation for their services on said council, but shall be reimbursed for necessary expenses incurred in the performance of their duties. Said council shall hold one meeting **[**each month**]** quarterly and such additional meetings as may be prescribed by council rules. In addition, special meetings may be called by the chairperson or by any three members upon delivery of forty-eight hours written notice to each member.

(b) The council, within available appropriations, shall coordinate a uniform geospatial information system capacity for municipalities, regional planning agencies, the state and others, as needed, which shall include provisions for (1) creation, maintenance and dissemination of geographic information or imagery that may be used to (A) precisely identify certain locations or areas, or (B) create maps or information profiles in graphic or electronic form about particular locations or areas, and (2) promotion of a forum in which geospatial information may be centralized and distributed. In establishing such capacity, the council shall consult with municipalities, regional planning agencies, state agencies and other users of geospatial information system technology. The purpose of any such system shall be to provide guidance or assistance to municipal and state officials in the areas of land use planning, transportation, economic development, environmental, cultural and natural resources management, the delivery of public services and other areas, as necessary.

(c) The council may apply for federal grants and may accept and

expend such grants on behalf of the state through the Office of Policy and Management.

(d) The council, within available appropriations, shall administer a program of technical assistance to municipalities and regional planning agencies to develop geospatial information systems and shall periodically recommend improvements to the geospatial information system provided for in subsection (b) of this section.

(e) On or before January 1, 2006, and annually thereafter, the council shall submit, in accordance with section 11-4a, a report on activities under this section to the joint standing committee of the General Assembly having cognizance of matters relating to planning and development.

Sec. 24. Section 4d-7 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Chief Information Officer shall develop, publish and annually update an information and telecommunication systems strategic plan which shall have the following goals: (1) To provide a level of voice and data communications service among all state agencies that will ensure the effective and efficient completion of their respective functions; (2) to establish a direction for the collection, storage, management and use of information by state agencies in an efficient manner; (3) to develop a comprehensive information policy for state agencies that clearly articulates (A) the state's commitment to the sharing of its information resources, (B) the relationship of such resources to library and other information resources in the state and (C) a philosophy of equal access to information; (4) to provide all necessary telecommunication services between state agencies and the public; (5) to provide, in the event of an emergency, immediate voice and data communications and critical application recovery capabilities which are necessary to support state agency functions; and (6) to provide necessary access to higher technology for state agencies.

(b) In order to facilitate the development of a fully integrated state-wide information services and telecommunication system which effectively and efficiently supports data processing and telecommunication requirements of all state agencies, the strategic plan shall include: (1) Establishment of guidelines and standards for the architecture for information and telecommunication systems which support state agencies; (2) plans for a cost-effective state-wide telecommunication network to support state agencies, which network may consist of different types of transmission media, including wire, fiber and radio, and shall be able to support voice, data, video and facsimile transmission requirements and any other form of information exchange which takes place via electromagnetic media; (3) a level of information systems and telecommunication planning for all state agencies and operations throughout the state that will ensure the effective and efficient utilization and access to the state's information and telecommunication resources, including but not limited to, (A) an inventory of existing on-line public access arrangements for state agency data bases which contain information subject to disclosure under the Freedom of Information Act, as defined in section 1-200, (B) a list of data bases for which such access could be provided, including data bases containing consumer, business and health and human services program information, (C) provisions addressing the feasibility and cost of providing such access, (D) provisions for a public-private partnership in providing such on-line access, and (E) provisions to enable citizens to communicate with state agencies by electronic mail; (4) identification of annual expenditures and major capital commitments for information and telecommunication systems; and (5) a direction and policy planning pertaining to the infusion of new technology for such systems for state agencies. In carrying out the provisions of subparagraphs (A) to (E), inclusive, of subdivision (3) of this subsection, the Chief Information Officer shall consult with representatives of business associations, consumer organizations and nonprofit human services providers.

(c) Each state agency shall submit to the Chief Information Officer

all plans, documents and other information requested by the Chief Information Officer for the development of such plan.

(d) The Chief Information Officer shall not implement a state agency proposal for information system hardware, software, maintenance service or consulting unless such proposal complies with the strategic plan and the agency's approved business systems plan. The Chief Information Officer shall maintain a current inventory of information system components to facilitate asset management and procurement leverage.

Sec. 25. (NEW) (*Effective October 1, 2007*) There shall be within the Executive Department an Office of Administrative Hearings for the purpose of separating the adjudicatory function from the investigatory, prosecutorial and policy-making functions of agencies in the Executive Department and to perform the impartial administration and conduct of hearings of contested cases in accordance with the provisions of sections 25 to 31, inclusive, and 43 of this act and chapter 54 of the general statutes. A central office shall be established and, within available appropriations, one or more regional offices may be established and maintained as the Chief Administrative Law Judge may determine.

Sec. 26. (NEW) (*Effective July 1, 2007*) (a) A Chief Administrative Law Judge shall be appointed by the Governor, to serve a term expiring on March 1, 2008. Thereafter, the Governor shall, with the advice and consent of the General Assembly, appoint the Chief Administrative Law Judge to serve for a four-year term or until a successor has been appointed and qualified. To be eligible for appointment, the Chief Administrative Law Judge shall have been admitted to the practice of law in this state for at least ten years and shall be knowledgeable on the subject of administrative law. The Chief Administrative Law Judge shall take the oath of office provided in section 1-25 of the general statutes prior to commencing his or her duties, shall devote full time to the duties of the office of Chief

Administrative Law Judge and shall not engage in the private practice of law. The Chief Administrative Law Judge shall be eligible for reappointment.

(b) The Chief Administrative Law Judge may be removed during his or her term by the Governor for good cause shown.

(c) The Chief Administrative Law Judge shall be exempt from the classified service, shall receive an annual salary in the amount of eighty-five per cent of the annual salary received by a judge of the Superior Court and shall be eligible for longevity payments under section 5-213 of the general statutes.

(d) The Chief Administrative Law Judge, administrative law judges, assistants and other employees of the Office of Administrative Hearings shall be entitled to the fringe benefits applicable to other state employees, shall be included under the provisions of chapters 65 and 66 of the general statutes regarding disability and retirement of state employees and shall receive full retirement credit for each year or portion thereof for which retirement benefits are paid for service as such Chief Administrative Law Judge, administrative law judge, assistant or other employee.

Sec. 27. (NEW) (*Effective October 1, 2007*) (a) The Chief Administrative Law Judge shall be the chief executive officer of the Office of Administrative Hearings and shall:

(1) Have all of the powers specifically granted in the general statutes and any additional powers that are reasonable and necessary to enable the Chief Administrative Law Judge to carry out the duties of his or her office, including, but not limited to, the powers and duties specified in section 4-8 of the general statutes;

(2) Have the power to administer the Office of Administrative Hearings, establish, consolidate, alter or abolish any division or other unit in said office, appoint the heads of such units and fix their duties,

and establish, consolidate or alter any position in said office;

(3) Have the power to (A) appoint, prescribe the duties of and, subject to the provisions of subsection (e) of section 4 of this act, remove for cause such administrative law judges, assistants and other employees as may be necessary for the Office of Administrative Hearings, and (B) assign administrative law judges in all cases referred to the Office of Administrative Hearings, provided, in assigning an administrative law judge to a case, the Chief Administrative Law Judge shall, whenever practicable, assign an administrative law judge who has expertise in the legal issues or general subject matter of the proceeding;

(4) Have all the powers and duties of an administrative law judge;

(5) Develop and implement a program of evaluation of administrative law judges, including consideration of competence, productivity and demeanor, to aid the Chief Administrative Law Judge in the performance of his or her duties and to assist in the promotion, demotion, removal or transfer of administrative law judges;

(6) Prepare an edited version of a proposed final decision and final decision that shall not disclose protected information in any case where any provision of the general statutes, federal law, state or federal regulations or an order of a court of competent jurisdiction bars the disclosure of the identity of any person or party or bars the disclosure of any other information;

(7) Collect, compile and prepare statistics and other data with respect to the operations of the Office of Administrative Hearings and submit annually to the Governor and the General Assembly a report on such operations, including, but not limited to, the number of hearings initiated, the number of proposed final decisions rendered, the number of partial or total reversals of such decisions by the agencies, the number of final decisions rendered and the number of

proceedings pending;

(8) Study the subject of administrative adjudication in all its aspects and develop recommendations to promote the goals of impartiality, fairness, uniformity and cost-effectiveness in the administration and conduct of hearings of contested cases;

(9) Adopt regulations, in accordance with chapter 54 of the general statutes, to carry out the provisions of sections 25 to 31, inclusive, and 43 of this act and sections 4-176e to 4-181a, inclusive, of the general statutes, as amended by this act, and the policies of the Office of Administrative Hearings in connection therewith. Such regulations, with respect to contested cases heard by said office, shall supersede any inconsistent agency regulations, policies or procedures, except those mandated by the general statutes or federal law, and shall include, but not be limited to, standards related to time limits for agency action in contested cases pursuant to applicable provisions of the general statutes, and standards for the giving of notices of hearings, for the scheduling of hearings and for the assignment of administrative law judges;

(10) Develop, in consultation with each agency subject to the provisions of subsection (a) of section 31 of this act and with the appropriate committee or section of the Connecticut Bar Association, a program for the continuing training and education of administrative law judges and ancillary personnel, and implement such program;

(11) Index, by name and subject, all written orders and final decisions and make all indices, proposed final decisions and final decisions available for public inspection and copying electronically and to the extent required by the Freedom of Information Act, as defined in section 1-200 of the general statutes;

(12) Develop and be subject to a code of conduct for administrative law judges; and

(13) In the discretion of the Chief Administrative Law Judge, assign to an administrative law judge, who has been transferred to the Office of Administrative Hearings pursuant to subsection (a) of section 28 of this act but who has not been admitted to the practice of law in this state for at least five years, matters and duties consistent with the experience and expertise of such administrative law judge, including, but not limited to, finding facts, conducting hearings, making recommended decisions for approval by an administrative law judge designated by the Chief Administrative Law Judge, and making proposed final decisions and final decisions.

(b) Any Deputy Chief Administrative Law Judge of the Office of Administrative Hearings shall be appointed by the Chief Administrative Law Judge from among the administrative law judges.

Sec. 28. (NEW) (*Effective October 1, 2007*) (a) Notwithstanding any provision of the general statutes, each full-time employee or permanent part-time employee of an agency subject to the provisions of subsection (a) of section 31 of this act whose primary duties are to conduct hearings in contested cases and issue final decisions or proposed final decisions, including, but not limited to, human rights referees, hearing adjudicators and hearing officers, shall be transferred to and become administrative law judges of the Office of Administrative Hearings, in accordance with the provisions of sections 4-38d, 4-38e and 4-39 of the general statutes. Each administrative law judge transferred pursuant to this subsection shall receive an annual salary that shall not be less than the annual salary that such administrative law judge received on the effective date of this section at the agency subject to the provisions of subsection (a) of section 31 of this act that employed such administrative law judge on the effective date of this section. The provisions of subsection (b) of this section do not apply to any administrative law judge transferred pursuant to this subsection.

(b) Each administrative law judge of the Office of Administrative

Hearings shall be appointed by the Chief Administrative Law Judge. Each administrative law judge shall have been admitted to the practice of law in this state for at least five years and shall be knowledgeable on the subject of administrative law.

(c) The position of administrative law judge shall be in the classified service. An administrative law judge may not engage in the private practice of law.

(d) An administrative law judge assigned to hear matters pursuant to section 10-76h of the general statutes shall receive training in administrative hearing procedures, including due process, applicable to the special education needs of children.

(e) An administrative law judge, assistant or other employee of the Office of Administrative Hearings removed, suspended, demoted or subjected to disciplinary action or other adverse employment action may appeal such action in accordance with an applicable collective bargaining agreement.

(f) An administrative law judge shall have the powers granted to hearing officers and presiding officers pursuant to sections 25 to 31, inclusive, and 43 of this act and chapter 54 of the general statutes.

(g) An administrative law judge shall be subject to the code of conduct for administrative law judges developed by the Chief Administrative Law Judge pursuant to subdivision (12) of subsection (a) of section 27 of this act.

Sec. 29. (NEW) (*Effective October 1, 2007*) (a) All hearings in contested cases conducted by the Office of Administrative Hearings shall be conducted by an administrative law judge assigned by the Chief Administrative Law Judge and shall be conducted in accordance with sections 25 to 31, inclusive, and 43 of this act and sections 4-176e to 4-181a of the general statutes, as amended by this act.

(b) The Chief Administrative Law Judge shall assign an

administrative law judge to conduct each proceeding that the Office of Administrative Hearings is required to conduct by any provision of the general statutes. The Chief Administrative Law Judge may assign an administrative law judge, if requested by an agency or a municipality, to conduct or assist in a proceeding other than a proceeding that said office is required to conduct. Any proceeding conducted for a municipality pursuant to any requirement of the general statutes or by agreement shall be on a contract basis with the municipality.

(c) Unless different time limits are provided by any provision of the general statutes for contested cases before an agency, the time limits provided in sections 4-176e to 4-181a of the general statutes, as amended by this act, apply to all contested cases conducted by the Office of Administrative Hearings.

Sec. 30. (NEW) (*Effective October 1, 2007*) An administrative law judge may conduct hearings, mediations and settlement negotiations held by the Office of Administrative Hearings. If a contested case is not resolved through mediation or settlement, either party may proceed to a hearing. An administrative law judge who attempted to settle or mediate a matter may not thereafter be assigned to hear the matter. If a contested case is resolved by stipulation, agreed settlement or consent order to the administrative law judge, the administrative law judge shall issue an order dismissing the contested case. The order shall incorporate by reference such stipulation, agreed settlement or consent order which shall be attached thereto. The order shall further provide that no findings of fact or conclusions of law have been made regarding any alleged violations of the law. The order and stipulation, agreed settlement or consent order may be enforceable by any party in Superior Court. A party may petition the superior court for the judicial district of New Britain for enforcement of the order and stipulation, agreed settlement or consent order and for appropriate temporary relief or a restraining order.

Sec. 31. (NEW) (*Effective October 1, 2007*) (a) Notwithstanding any provision of the general statutes, and except as otherwise provided in this subsection and subsection (c) of this section, the Office of Administrative Hearings shall conduct hearings and render proposed final decisions or, if authorized or required by law, final decisions in contested cases: (1) Pursuant to subdivision (3) of subsection (b) of section 4-61dd of the general statutes, as amended by this act, or section 10-76h, subdivision (2) of subsection (b) of section 10-186 or section 10-187 of the general statutes; or (2) brought by or before the Department of Children and Families, the Department of Social Services, the Department of Transportation or the Commission on Human Rights and Opportunities. On and after October 1, 2010, the Governor, at the request of the head of any agency subject to the provisions of this subsection and for good cause shown, may exempt such agency from the requirements of this subsection.

(b) No administrative law judge may be assigned by the Chief Administrative Law Judge to hear a contested case with respect to:

(1) Any hearing that is required by federal law to be conducted by a specific agency or other hearing authority;

(2) Any matter where the head of the agency, or one or more of the members of a multimember agency, presides at the hearing in a contested case; or

(3) Any matter exempted under sections 4-186 and 4-188a of the general statutes, as amended by this act, unless a request is made by an agency and agreed to by the Chief Administrative Law Judge.

(c) Notwithstanding any provision of the general statutes, any agency or head of the agency that is not required to refer contested cases to the Office of Administrative Hearings pursuant to this section or any other provision of the general statutes may refer any contested case brought by or before such agency to the Office of Administrative Hearings for purposes of a full adjudication of the contested case by an

administrative law judge.

(d) Nothing in this section shall preclude any agency or municipality from referring any matter pending before such agency or municipality to the Office of Administrative Hearings, with the consent of the Chief Administrative Law Judge, for purposes of mediation or settlement before such matter becomes a contested case.

Sec. 32. Subsection (d) of section 2c-2b of the general statutes is amended by adding subdivision (29) as follows (*Effective October 1, 2007*):

(NEW) (29) The Office of Administrative Hearings established under section 25 of this act.

Sec. 33. Section 4-166 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

As used in this chapter and sections 25 to 31, inclusive, and 43 of this act, unless the context otherwise requires:

(1) "Agency" means each state board, commission, department or officer authorized by law to make regulations or to determine contested cases, but does not include either house or any committee of the General Assembly, the courts, the Council on Probate Judicial Conduct, the Governor, Lieutenant Governor or Attorney General, or town or regional boards of education, or automobile dispute settlement panels established pursuant to section 42-181;

(2) "Contested case" means a proceeding, including but not restricted to rate-making, price fixing and licensing, in which the legal rights, duties or privileges of a party are required by state statute or regulation to be determined by an agency or by the Office of Administrative Hearings after an opportunity for hearing or in which a hearing is in fact held, but does not include proceedings on a petition for a declaratory ruling under section 4-176, as amended by this act, hearings referred to in section 4-168 or hearings conducted by the

Department of Correction or the Board of Pardons and Paroles;

(3) "Final decision" means (A) the **[**agency**]** determination in a contested case made pursuant to section 4-179, as amended by this act, section 43 of this act and section 4-180, as amended by this act, (B) a declaratory ruling issued by an agency pursuant to section 4-176, as amended by this act, or (C) **[**an agency**]** a decision made after reconsideration of a final decision. The term does not include a preliminary or intermediate ruling or order, **[**of an agency,**]** or a ruling **[**of an agency**]** granting or denying a petition for reconsideration;

(4) "Hearing officer" means an individual appointed by an agency to conduct a hearing in an agency proceeding that is not conducted by an administrative law judge pursuant to section 31 of this act. Such individual may be a staff employee of the agency;

(5) "Intervenor" means a person, other than a party, granted status as an intervenor by an agency in accordance with the provisions of subsection (d) of section 4-176 or subsection (b) of section 4-177a, as amended by this act;

(6) "License" includes the whole or part of any agency permit, certificate, approval, registration, charter or similar form of permission required by law, but does not include a license required solely for revenue purposes;

(7) "Licensing" includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal or amendment of a license;

(8) "Party" means each person (A) whose legal rights, duties or privileges are required by statute to be determined by an agency proceeding and who is named or admitted as a party, (B) who is required by law to be a party in an agency proceeding, or (C) who is granted status as a party under subsection (a) of section 4-177a, as amended by this act;

(9) "Person" means any individual, partnership, corporation, limited liability company, association, governmental subdivision, agency or public or private organization of any character, but does not include the agency conducting the proceeding;

(10) "Presiding officer" means the head of the agency presiding at a hearing, the member of **[**an**]** a multimember agency or the hearing officer designated by the head of the agency to preside at **[**the**]** a hearing, or an administrative law judge presiding at a hearing;

(11) "Proposed final decision" means a final decision proposed **[**by an agency or a presiding officer**]** under section 4-179, as amended by this act, or section 43 of this act;

(12) "Proposed regulation" means a proposal by an agency under the provisions of section 4-168 for a new regulation or for a change in, addition to or repeal of an existing regulation;

(13) "Regulation" means each agency statement of general applicability, without regard to its designation, that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of any agency. The term includes the amendment or repeal of a prior regulation, but does not include (A) statements concerning only the internal management of any agency and not affecting private rights or procedures available to the public, (B) declaratory rulings issued pursuant to section 4-176, as amended by this act, or (C) intra-agency or interagency memoranda;

(14) "Regulation-making" means the process for formulation and adoption of a regulation;

(15) "Administrative law judge" means an administrative law judge transferred or appointed in accordance with section 28 of this act;

(16) "Head of the agency" means the individual or group of individuals constituting the highest authority within an agency.

Sec. 34. Subsection (g) of section 4-176 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(g) If the agency conducts a hearing in a proceeding for a declaratory ruling, the provisions of subsection **[**(b)**]** (e) of section **[**4-177c**]** 4-177a, as amended by this act, section 4-178, as amended by this act, and section 4-179, as amended by this act, shall apply to the hearing.

Sec. 35. Section 4-176e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

Except as otherwise required by the general statutes, a **[**hearing in an agency proceeding may be held before (1)**]** contested case shall be heard by (1) an administrative law judge, (2) the head of the agency, (3) one or more of the members of a multimember agency, or (4) one or more hearing officers, provided no individual who has personally carried out the function of an investigator in a contested case may serve as a hearing officer in that case. **[**, or (2) one or more of the members of the agency.**]**

Sec. 36. Section 4-177 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice from the agency.

(b) The notice shall be in writing and shall include: (1) A statement of the time, place **[**,**]** and nature of the hearing or, if the contested case has been referred to the Office of Administrative Hearings, a statement that the matter has been referred to the Office of Administrative Hearings, that the time and place of the hearing will be set by an administrative law judge and that describes the nature of the hearing; (2) a statement of the legal authority and jurisdiction under which the hearing is to be held; (3) a reference to the particular sections of the

statutes and regulations involved; and (4) a short and plain statement of the matters asserted. If the agency or party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

(c) After an agency refers a contested case to the Office of Administrative Hearings, the agency shall certify the official record in such contested case to the Office of Administrative Hearings. Thereafter, a party shall file all documents that are to become part of such record with the Office of Administrative Hearings. The filing of such documents with the agency rather than with the Office of Administrative Hearings shall not be a jurisdictional defect and shall not be grounds for termination of the proceeding, provided the administrative law judge may assess appropriate costs and sanctions against a party who misfiles such documents on a showing of prejudice resulting from a wilful misfiling. The Office of Administrative Hearings shall maintain the official record of a contested case referred to said office.

[(c)**]** (d) Unless precluded by law, a contested case may be resolved by stipulation, agreed settlement **[**,**]** or consent order or by the default of a party.

[(d)**]** (e) The record in a contested case shall include: (1) Written notices related to the case; (2) all petitions, pleadings, motions and intermediate rulings; (3) evidence received or considered; (4) questions and offers of proof, objections and rulings thereon; (5) the official transcript, if any, of proceedings relating to the case, or, if not transcribed, any recording or stenographic record of the proceedings; (6) proposed final decisions and exceptions thereto; and (7) the final decision.

[(e)**]** (f) Any recording or stenographic record of the proceedings shall be transcribed on request of any party. The requesting party shall pay the cost of such transcript, unless otherwise provided by law.

Nothing in this section shall relieve an agency of its responsibility under section 4-183, as amended by this act, to transcribe the record for an appeal.

Sec. 37. Section 4-177a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) The presiding officer shall grant a person status as a party in a contested case if **[**that**]** such officer finds that: (1) Such person has submitted a written petition to the agency or presiding officer and mailed copies to all parties, at least five days before the date of hearing; and (2) the petition states facts that demonstrate that the petitioner's legal rights, duties or privileges shall be specifically affected by **[**the agency's**]** a decision in the contested case.

(b) The presiding officer may grant any person status as an intervenor in a contested case if **[**that**]** such officer finds that: (1) Such person has submitted a written petition to the agency or presiding officer and mailed copies to all parties, at least five days before the date of hearing; and (2) the petition states facts that demonstrate that the petitioner's participation is in the interests of justice and will not impair the orderly conduct of the proceedings.

(c) The five-day requirement in subsections (a) and (b) of this section may be waived at any time before or after commencement of the hearing by the presiding officer on a showing of good cause.

(d) If a petition is granted pursuant to subsection (b) of this section, the presiding officer may limit the intervenor's participation to designated issues in which the intervenor has a particular interest as demonstrated by the petition and shall define the intervenor's rights to inspect and copy records, physical evidence, papers and documents, to introduce evidence, and to argue and cross-examine on those issues. The presiding officer may further restrict the participation of an intervenor in the proceedings, including the rights to inspect and copy records, to introduce evidence and to cross-examine, so as to promote

the orderly conduct of the proceedings.

(e) Persons not named as parties or intervenors may, in the discretion of the presiding officer, be given an opportunity to present oral or written statements. The presiding officer may require any such statement to be given under oath or affirmation.

Sec. 38. Section 4-177b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

In a contested case, the presiding officer may administer oaths, take testimony under oath relative to the case, subpoena witnesses and require the production of records, physical evidence, papers and documents to any hearing held in the case. If any person disobeys the subpoena or, having appeared, refuses to answer any question put to **[**him**]** such person or to produce any records, physical evidence, papers and documents requested by the presiding officer, the administrative law judge or, if the hearing is conducted by the agency, the agency may apply to the superior court for the judicial district of Hartford or for the judicial district in which the person resides, or to any judge of that court if it is not in session, setting forth the disobedience to the subpoena or refusal to answer or produce, and the court or judge shall cite the person to appear before the court or judge to show cause why the records, physical evidence, papers and documents should not be produced or why a question put to **[**him**]** such person should not be answered. Nothing in this section shall be construed to limit the authority of the agency, the administrative law judge or any party as otherwise allowed by law.

Sec. 39. Section 4-177c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

[(a)**]** In a contested case, each party and the agency, including an agency conducting the proceeding, shall be afforded the opportunity (1) to inspect and copy relevant and material records, papers and documents not in the possession of the party or such agency, except as

otherwise provided by federal law or any other provision of the general statutes, and (2) at a hearing, to respond, to cross-examine other parties, intervenors, and witnesses, and to present evidence and argument on all issues involved.

[(b) Persons not named as parties or intervenors may, in the discretion of the presiding officer, be given an opportunity to present oral or written statements. The presiding officer may require any such statement to be given under oath or affirmation.**]**

Sec. 40. Section 4-178 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

In contested cases: (1) Any oral or documentary evidence may be received, but the **[**agency**]** presiding officer shall, as a matter of policy, provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence; (2) **[**agencies shall give effect to**]** the rules of privilege recognized by law shall be given effect; (3) when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form; (4) documentary evidence may be received in the form of copies or excerpts, if the original is not readily available, and upon request, parties and the agency, including an agency conducting the proceeding, shall be given an opportunity to compare the copy with the original; (5) a party and **[**such**]** the agency, including an agency conducting the proceeding, may conduct cross-examinations required for a full and true disclosure of the facts; (6) notice may be taken of judicially cognizable facts; **[**and of**]** (7) in a proceeding conducted by the agency or in an agency review of a proposed final decision, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge; **[**(7)**]** (8) parties shall be notified in a timely manner of any material noticed, including any agency memoranda or data, and they shall be afforded an opportunity to contest the material so noticed; and **[**(8) the agency's**]** (9) in a proceeding conducted by the agency or in an agency review of a

proposed final decision, the agency may use its experience, technical competence **[**,**]** and specialized knowledge **[**may be used**]** in the evaluation of the evidence.

Sec. 41. Section 4-178a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

If a hearing in a contested case or in a declaratory ruling proceeding is held before a hearing officer or before less than a majority of the members of the agency who are authorized by law to render a final decision, a party, if permitted by regulation and before rendition of the final decision, may request a review by a majority of the members of the agency, of any preliminary, procedural or evidentiary ruling made at the hearing. The majority of the members may make an appropriate order, including the reconvening of the hearing. The provisions of this section do not apply to a hearing conducted by an administrative law judge.

Sec. 42. Section 4-179 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) When, in an agency proceeding that is not conducted by an administrative law judge, a majority of the members of the agency who are to render the final decision have not heard the matter or read the record, the decision, if adverse to a party, shall not be rendered until a proposed final decision is served upon the parties, and an opportunity is afforded to each party adversely affected to file exceptions and present briefs and oral argument to the members of the agency who are to render the final decision.

(b) A proposed final decision made under this section shall be in writing and **[**contain a statement of the reasons for the decision and a finding of facts and conclusion of law on each issue of fact or law necessary to the decision**]** shall comply with the requirements of subsection (c) of section 4-180, as amended by this act.

(c) Except when authorized by law to render a final decision for an agency, a hearing officer shall, after hearing a matter, make a proposed final decision.

(d) The parties and the agency conducting the proceeding, by written stipulation, may waive compliance with this section.

Sec. 43. (NEW) (*Effective October 1, 2007*) (a) Unless a shorter time period is otherwise required by law, an administrative law judge shall render a proposed final decision or, if required by law, a final decision in a contested case not later than forty-five days following the close of evidence or the due date for the filing of briefs, whichever is later, provided such time period may, for good cause, be extended for not more than an additional forty-five days with the approval of the Chief Administrative Law Judge. An application for any such extension shall be filed by the administrative law judge with the Chief Administrative Law Judge, and any such approval shall be granted, before the expiration of the initial forty-five-day time period.

(b) A proposed final decision rendered by an administrative law judge shall be delivered promptly to each party or the party's authorized representative, and to the agency, personally or by United States mail, certified or registered, postage prepaid, return receipt requested. After such proposed final decision is rendered, the record in the contested case shall be delivered promptly to the agency.

(c) A proposed final decision rendered by an administrative law judge shall become a final decision of the agency unless the head of the agency, not later than twenty-one days following the date the proposed final decision is delivered or mailed to the agency, modifies or rejects the proposed final decision, provided the head of the agency may, before expiration of such time period and for good cause, certify the extension of such time period for not more than an additional twenty-one days. If the head of the agency modifies or rejects the proposed final decision, the head of the agency shall state the reason for the modification or rejection on the record. In reviewing a proposed

final decision rendered by an administrative law judge, the head of the agency shall afford each party, including the agency, an opportunity to present briefs and may afford each party, including the agency, an opportunity to present oral argument.

(d) If, within the time period provided in subsection (c) of this section, the head of the agency, in reviewing a proposed final decision rendered by an administrative law judge, determines that additional evidence is necessary, the head of the agency shall refer the matter to the Office of Administrative Hearings. The Chief Administrative Law Judge shall assign the administrative law judge who rendered such proposed final decision to take the additional evidence unless such administrative law judge is unavailable. After taking the additional evidence, the administrative law judge shall, not later than thirty days following such referral, prepare a proposed final decision as provided in this section based on such additional evidence and the record of the prior hearing.

(e) A proposed final decision made under this section shall be in writing and shall comply with the requirements of subsection (c) of section 4-180 of the general statutes, as amended by this act.

Sec. 44. Section 4-180 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) Each agency shall proceed with reasonable dispatch to conclude any matter pending before it and, in all hearings of contested cases conducted by the agency, shall render a final decision within ninety days following the close of evidence or the due date for the filing of briefs, whichever is later. **[**, in such proceedings.**]**

(b) If, in any contested case, any agency fails to comply with the provisions of subsection (a) of this section **[**in any contested case**]** or subsection (a) of section 4-179, as amended by this act, or if any agency or administrative law judge fails to comply with the provisions of section 43 of this act, any party **[**thereto**]** to such contested case may

apply to the superior court for the judicial district of **[**Hartford**]** New Britain for an order requiring the agency or administrative law judge to render a final decision or proposed final decision forthwith. The court, after hearing, shall issue an appropriate order.

(c) A final decision in a contested case shall be in writing or, if there is no proposed final decision, orally stated on the record. **[**and, if adverse to a party,**]** A proposed final decision and a final decision in a contested case shall include **[**the agency's**]** findings of fact and conclusions of law necessary to **[**its**]** the decision and shall be made by applying all pertinent provisions of law. Findings of fact shall be based exclusively on the evidence in the record and on matters noticed. The **[**agency shall state in**]** proposed final decision and the final decision shall contain the name of each party and the most recent mailing address, provided to the agency, of the party or **[**his**]** the party's authorized representative. If the final decision is orally stated on the record, each such name and mailing address shall be included in the record.

(d) The final decision shall be delivered promptly to each party or **[**his**]** the party's authorized representative and, in the case of a final decision by an administrative law judge authorized by law to render such decision, to the agency, personally or by United States mail, certified or registered, postage prepaid, return receipt requested. **[**The**]** An agency rendering a final decision shall immediately transmit a copy of such decision to the Office of Administrative Hearings. A proposed final decision that becomes a final decision because of agency inaction, as provided in subsection (c) of section 43 of this act, shall become effective at the expiration of the time period specified in said subsection or on a later date specified in such proposed final decision. Any other final decision shall be effective when personally delivered or mailed or on a later date specified **[**by the agency**]** in such final decision. The date of delivery or mailing of a proposed final decision and a final decision shall be endorsed on the front of the decision or on a transmittal sheet included with the decision.

Sec. 45. Subsection (a) of section 4-180a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) In addition to other requirements imposed by any provision of law, each agency shall index, by name and subject, all written orders and final decisions rendered on or after October 1, 1989, and shall make **[**them**]** all proposed final decisions and final decisions available for public inspection and copying, to the extent required by the Freedom of Information Act, as defined in section 1-200.

Sec. 46. Subsection (a) of section 4-181 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) Unless required for the disposition of ex parte matters authorized by law, no hearing officer, administrative law judge or member of an agency who, in a contested case, is to render a final decision or to make a proposed final decision shall communicate, directly or indirectly, in connection with any issue of fact, with any person or party, or, in connection with any issue of law, with any party or the party's representative, without notice and opportunity for all parties to participate.

Sec. 47. Section 4-181a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) (1) Unless otherwise provided by law, a party or the agency in a contested case may, within fifteen days after the personal delivery or mailing of the final decision or within fifteen days after the date that a proposed final decision becomes a final decision because of agency inaction, as provided in subsection (c) of section 43 of this act, file with the **[**agency**]** authority that rendered the decision a petition for reconsideration of the decision on the ground that: (A) An error of fact or law should be corrected; (B) new evidence has been discovered which materially affects the merits of the case and which for good

reasons was not presented in the agency proceeding; or (C) other good cause for reconsideration has been shown. Within twenty-five days of the filing of the petition, the **[**agency**]** authority that rendered the decision shall decide whether to reconsider the final decision. The failure of the **[**agency**]** authority that rendered the decision to make **[**that**]** such determination within twenty-five days of such filing shall constitute a denial of the petition.

(2) Within forty days of the personal delivery or mailing of the final decision, the **[**agency**]** authority that rendered the decision, regardless of whether a petition for reconsideration has been filed, may decide to reconsider the final decision.

(3) If the **[**agency**]** authority that rendered the decision decides to reconsider a final decision, pursuant to subdivision (1) or (2) of this subsection, the **[**agency**]** authority that rendered the decision shall proceed in a reasonable time to conduct such additional proceedings as may be necessary to render a decision modifying, affirming **[**,**]** or reversing the final decision.

(b) On a showing of changed conditions, the **[**agency**]** authority that rendered the decision may reverse or modify the final decision, at any time, at the request of any person or on **[**the agency's own**]** motion of the authority that rendered the decision. The procedure set forth in this chapter for contested cases shall be applicable to any proceeding in which such reversal or modification of any final decision is to be considered. The party or parties who were the subject of the original final decision, or their successors, if known, and intervenors in the original contested case, shall be notified of the proceeding and shall be given the opportunity to participate in the proceeding. Any decision to reverse or modify a final decision shall make provision for the rights or privileges of any person who has been shown to have relied on such final decision.

(c) The **[**agency**]** authority that rendered the decision may, without further proceedings, modify a final decision to correct any clerical

error. A person may appeal **[**that**]** such modification under the provisions of section 4-183, as amended by this act, or, if an appeal is pending when the modification is made, may amend the appeal.

(d) For the purposes of this section and section 4-183, as amended by this act, in the case of a proposed final decision that becomes a final decision because of agency inaction, as provided in subsection (c) of section 43 of this act, the authority that rendered the decision shall be deemed to be the agency.

Sec. 48. Section 4-183 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) A person who has exhausted all administrative remedies available within the agency and who is aggrieved by a final decision may appeal to the Superior Court as provided in this section. The filing of a petition for reconsideration is not a prerequisite to the filing of such an appeal.

(b) A person may appeal a preliminary, procedural or intermediate agency action or ruling to the Superior Court if (1) it appears likely that the person will otherwise qualify under this chapter to appeal from the final agency action or ruling, and (2) postponement of the appeal would result in an inadequate remedy.

(c) Within forty-five days after mailing of the final decision under section 4-180, as amended by this act, or, if there is no mailing, within forty-five days after personal delivery of the final decision under said section or, if a proposed final decision becomes a final decision because of agency inaction, as provided in subsection (c) of section 43 of this act, within forty-five days after the decision becomes final, a person appealing as provided in this section shall serve a copy of the appeal on the agency **[**that rendered the final decision**]** at its office or at the office of the Attorney General in Hartford and file the appeal with the clerk of the superior court for the judicial district of New Britain or for the judicial district wherein the person appealing resides or, if that

person is not a resident of this state, with the clerk of the court for the judicial district of New Britain. An appeal of a final decision under this section shall be taken within such applicable forty-five-day period regardless of the effective date of the final decision. Within **[**that**]** such time, the person appealing shall also serve a copy of the appeal on each party listed in the final decision at the address shown in the decision, provided failure to make such service within forty-five days on parties other than the agency **[**that rendered the final decision**]** shall not deprive the court of jurisdiction over the appeal. Service of the appeal shall be made by (1) United States mail, certified or registered, postage prepaid, return receipt requested, without the use of a state marshal or other officer, or (2) personal service by a proper officer or indifferent person making service in the same manner as complaints are served in ordinary civil actions. If service of the appeal is made by mail, service shall be effective upon deposit of the appeal in the mail.

(d) The person appealing, not later than fifteen days after filing the appeal, shall file or cause to be filed with the clerk of the court an affidavit, or the state marshal's return, stating the date and manner in which a copy of the appeal was served on each party and on the agency **[**that rendered the final decision,**]** and, if service was not made on a party, the reason for failure to make service. If the failure to make service causes prejudice to any party to the appeal or to the agency, the court, after hearing, may dismiss the appeal.

(e) If service has not been made on a party, the court, on motion, shall make such orders of notice of the appeal as are reasonably calculated to notify each party not yet served.

(f) The filing of an appeal shall not, of itself, stay enforcement of **[**an agency**]** a final decision. An application for a stay may be made to the agency, to the court or to both. Filing of an application with the agency shall not preclude action by the court. A stay, if granted, shall be on appropriate terms.

(g) Within thirty days after the service of the appeal, or within such

further time as may be allowed by the court, the agency shall transcribe any portion of the record that has not been transcribed and transmit to the reviewing court the original or a certified copy of the entire record of the proceeding appealed from, which shall include the **[**agency's**]** findings of fact and conclusions of law, separately stated. By stipulation of all parties to such appeal proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record.

(h) If, before the date set for hearing on the merits of an appeal, application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the **[**agency**]** authority that rendered the decision, the court may order that the additional evidence be taken before the **[**agency**]** authority that rendered the decision upon conditions determined by the court. The **[**agency**]** authority that rendered the decision may modify its findings and decision by reason of the additional evidence and shall file **[**that**]** such evidence and any modifications, new findings **[**,**]** or decisions with the reviewing court.

(i) **[**The**]** Except as otherwise provided by law, the appeal shall be conducted by the court without a jury and shall be confined to the record. If alleged irregularities in procedure before the **[**agency**]** presiding officer are not shown in the record or if facts necessary to establish aggrievement are not shown in the record, proof limited thereto may be taken in the court. The court, upon request, shall hear oral argument and receive written briefs.

(j) **[**The**]** Unless a different standard of review is provided by law, the court shall not substitute its judgment for that of the **[**agency**]** authority that rendered the decision as to the weight of the evidence

on questions of fact. The court shall affirm the final decision **[**of the agency**]** unless the court finds that substantial rights of the person appealing have been prejudiced because the administrative findings, inferences, conclusions **[**,**]** or decisions are: (1) In violation of constitutional or statutory provisions; (2) in excess of the statutory authority of the agency; (3) made upon unlawful procedure; (4) affected by other error of law; (5) clearly erroneous in view of the reliable, probative **[**,**]** and substantial evidence on the whole record; or (6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion. If the court finds such prejudice, **[**it**]** the court shall sustain the appeal and, if appropriate, may render a judgment under subsection (k) of this section or remand the case for further proceedings. For the purposes of this section, a remand is a final judgment.

(k) If a particular agency action is required by law, the court, on sustaining the appeal, may render a judgment that modifies the **[**agency**]** final decision, orders the particular agency action, or orders the agency to take such action as may be necessary to effect the particular action.

(l) In all appeals taken under this section, costs may be taxed in favor of the prevailing party in the same manner, and to the same extent, that costs are allowed in judgments rendered by the Superior Court. No costs shall be taxed against the state, except as provided in section 4-184a.

(m) In any case in which a person appealing claims that **[**he**]** such person cannot pay the costs of an appeal under this section, **[**he**]** such person shall, within the time permitted for filing the appeal, file with the clerk of the court to which the appeal is to be taken an application for waiver of payment of such fees, costs and necessary expenses, including the requirements of bond, if any. The application shall conform to the requirements prescribed by rule of the judges of the Superior Court. After such hearing as the court determines is

necessary, the court shall render its judgment on the application, which judgment shall contain a statement of the facts the court has found, with its conclusions thereon. The filing of the application for the waiver shall toll the time limits for the filing of an appeal until such time as a judgment on such application is rendered.

Sec. 49. (NEW) (*Effective October 1, 2007*) (a) There shall be an independent Office of Consumer Counsel, within the Insurance Department for administrative purposes only, to act as the advocate for consumer interests in all matters which may affect Connecticut consumers with respect to insurance providers. The Office of Consumer Counsel is authorized to appear in and participate in any regulatory or judicial proceedings, federal or state, in which such interests of Connecticut consumers may be involved, or in which matters affecting insurance coverage may be involved. The Office of Consumer Counsel shall be a party to each contested case before the Insurance Department or Insurance Commissioner and shall participate in such proceedings to the extent it deems necessary. Said Office of Consumer Counsel may appeal from a decision, order or authorization in any such state regulatory proceeding notwithstanding its failure to appear or participate in said proceeding. The Office of Consumer Counsel may appear before any legislative body.

(b) Except as prohibited by the provisions of section 4-181 of the general statutes, as amended by this act, the Office of Consumer Counsel shall have access to the records of the Insurance Department, shall be entitled to call upon the assistance of the department's experts, and shall have the benefit of all other facilities or information of the department in carrying out the duties of the Office of Consumer Counsel, except for such internal documents, information or data as are not available to parties to the department's proceedings. The department shall provide such space as necessary within the department's quarters for the operation of the Office of Consumer Counsel, and the department shall be empowered to set regulations providing for adequate compensation for the provision of such office

space.

(c) The Office of Consumer Counsel shall be under the direction of a Consumer Counsel, who shall be appointed by the Governor with the advice and consent of either house of the General Assembly. The Consumer Counsel shall have demonstrated a strong commitment and involvement in efforts to safeguard the rights of the public. The Consumer Counsel shall serve for a term of five years. The salary of the Consumer Counsel shall be equal to that established for management pay plan salary group seventy-one by the Commissioner of Administrative Services. No Consumer Counsel shall, for a period of two years following the termination of service as Consumer Counsel, accept employment by an insurance company. No Consumer Counsel who is also an attorney shall, in any capacity, appear or participate in any matter, or accept any compensation regarding a matter, before the department, for a period of one year following the termination of service as Consumer Counsel.

(d) The Consumer Counsel shall hire such staff as he or she deems necessary to perform the duties of said Office of Consumer Counsel and may employ from time to time outside consultants knowledgeable in the insurance regulation field including, but not limited to, economists, actuaries and rate design experts. The salaries and qualifications of the individuals so hired shall be determined by the Commissioner of Administrative Services pursuant to section 4-40 of the general statutes.

(e) Nothing in this section shall be construed to prevent any party interested in such proceeding or action from appearing in person or from being represented by counsel therein.

(f) As used in this section, "consumer" means any person, city, borough or town that receives service from any public service company, electric supplier or from any certified telecommunications provider in this state whether or not such person, city, borough or town is financially responsible for such service.

(g) The Office of Consumer Counsel shall not be required to post a bond as a condition to presenting an appeal from any state regulatory decision, order or authorization.

(h) The expenses of the Office of Consumer Counsel shall be assessed in accordance with the provisions of section 51 of this act.

Sec. 50. (NEW) *(Effective October 1, 2007)* There is established a fund to be known as the "Consumer Counsel and Insurance Fund". The fund may contain any moneys required by law to be deposited in the fund and shall be held by the Treasurer separate and apart from all other moneys, funds and accounts. The interest derived from the investment of the fund shall be credited to the fund. Amounts in the fund may be expended only pursuant to appropriation by the General Assembly. Any balance remaining in the fund at the end of any fiscal year shall be carried forward in the fund for the fiscal year next succeeding.

Sec. 51. (NEW) *(Effective October 1, 2007)* (a) As used in this section:

(1) "Company" means any insurance company that had more than one hundred thousand dollars of gross revenues in the state in the calendar year preceding the assessment year under this section, and

(2) "Fiscal year" means the period beginning July first and ending June thirtieth.

(b) On or before October 1, 2007, and on or before May first, annually thereafter, each company shall report its intrastate gross revenues of the preceding calendar year to the Insurance Department, which amount shall be subject to audit by the Insurance Department. For each fiscal year, each company shall pay the Insurance Department the company's share of all expenses of the Office of Consumer Counsel for such fiscal year. On or before September first, annually, the department shall give to each company a statement which shall include: (1) The amount appropriated to the Office of Consumer

Counsel for the fiscal year beginning July first of the same year; (2) the total gross revenues of all companies; and (3) the proposed assessment against the company for the fiscal year beginning on July first of the same year, adjusted to reflect the estimated payment required under subdivision (1) of subsection (c) of this section. Such proposed assessment shall be calculated by multiplying the company's percentage share of the total gross revenues as specified in subdivision (2) of this subsection by the total revenue appropriated to the Office of Consumer Counsel as specified in subdivision (1) of this subsection.

(c) Each company shall pay the department: (1) On or before June thirtieth, annually, an estimated payment for the expenses of the following year equal to twenty-five per cent of its assessment for the fiscal year ending on such June thirtieth, (2) on or before September thirtieth, annually, twenty-five per cent of its proposed assessment, adjusted to reflect any credit or amount due under the recalculated assessment for the preceding fiscal year, as determined by the department under subsection (d) of this section, provided if the company files an objection in accordance with subsection (e) of this section, it may withhold the amount stated in its objection, and (3) on or before the following December thirty-first and March thirty-first, annually, the remaining fifty per cent of its proposed assessment in two equal installments. The assessment for the first fiscal year shall be one-quarter of one per cent and adjusted thereafter based on the budget of the Office of Consumer Counsel.

(d) Immediately following the close of each fiscal year, the department shall recalculate the proposed assessment of each company, based on the expenses, as determined by the Comptroller, of the Office of Consumer Counsel for such fiscal year. On or before September first, annually, the department shall give to each company a statement showing the difference between its recalculated assessment and the amount previously paid by the company.

(e) Any company may object to a proposed or recalculated

assessment by filing with the department, not later than September fifteenth of the year of said assessment, a petition stating the amount of the proposed or recalculated assessment to which it objects and the grounds upon which it claims such assessment is excessive, erroneous, unlawful or invalid. After a company has filed a petition, the department shall hold a hearing. After reviewing the company's petition and testimony, if any, the department shall issue an order in accordance with its findings. The company shall pay the department the amount indicated in the order not later than thirty days after the date of the order.

(f) The department shall remit all payments received under this section to the State Treasurer for deposit in the Consumer Counsel and Public Utility Control Fund established in section 50 of this act. All payments made under this section shall be in addition to any taxes payable to the state.

(g) Any assessment unpaid on the due date or any portion of an assessment withheld after the due date under subsection (c) of this section shall be subject to interest at the rate of one and one-fourth per cent per month or fraction thereof, or fifty dollars, whichever is greater.

(h) Any company that fails to report in accordance with this section shall be subject to civil penalties.

Sec. 52. Subsection (b) of section 52-380d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(b) A release of a judgment lien on real property is sufficient if (1) it specifies the names of the judgment creditor and judgment debtor, the date of the lien, and the town and volume and page where the judgment lien certificate is recorded, and (2) the signature of the lienholder, attorney or personal representative is acknowledged and witnessed in the same manner as a deed on real property. The town

clerk with whom the lien was recorded shall note such release as by law provided and shall index the record of each such release under the name of the judgment creditor and judgment debtor. The town clerk with whom the lien was recorded shall be exempt from manually noting such release as by law provided if such town clerk maintains a computerized note linking the release of the judgment lien to the original judgment lien certificate.

Sec. 53. Section 7-24 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

(a) Each town clerk who is charged with the custody of any public record shall provide suitable books, files or systems, acceptable to the Public Records Administrator, for the keeping of such records and may purchase such stationery and other office supplies as are necessary for the proper maintenance of his office. Such books, files or systems, and such stationery and supplies shall be paid for by the town, and the selectmen of the town, on presentation of the bill for such books and supplies properly certified to by the town clerk, shall draw their order on the treasurer in payment for the same. Every person who has the custody of any public record books of any town, city, borough or probate district shall, at the expense of such town, city, borough or probate district, cause them to be properly and substantially bound. He shall have any such records which have been left incomplete made up and completed from the usual files and memoranda, so far as practicable. He shall cause fair and legible copies to be seasonably made of any records which are worn, mutilated or becoming illegible, and shall cause the originals to be repaired, rebound or renovated, or he may cause any such records to be placed in the custody of the Public Records Administrator, who may have them repaired, renovated or rebound at the expense of the town, city, borough or probate district to which they belong. Any custodian of public records who so causes such records to be completed or copied shall attest them and shall certify, under the seal of his office, that they have been made from such files and memoranda or are copies of the

original records. Such records and all copies of records made and certified to as provided for in this section and on file in the office of the legal custodian of such records shall have the force of the original records. All work done under the authority of this section shall be paid for by the town, city, borough or probate district responsible for the safekeeping of such records, but in no case shall expenditures exceeding three hundred dollars be made for repairs or copying records in any one year in any town or any probate district comprising one town only, unless the same are authorized by a vote of the town, nor in any probate district composed of two or more towns, unless the same are authorized by the first selectmen of all the towns included in such district.

(b) There shall be kept in each town proper books, or in lieu thereof a recording system approved by the Public Records Administrator, in which all instruments required by law to be recorded shall be recorded at length by the town clerk within thirty days from the time they are left for record.

(c) The town clerk shall, on receipt of any instrument for record, write thereon the day, month, year and time of day when he received it, and the record shall bear the same date and time of day; but he shall not be required to receive any instrument for record unless the fee for recording it is paid to him in advance except instruments received from the state or any political subdivision thereof, and, when he has received it for record, he shall not deliver it up to the parties or either of them until it has been recorded. When any town clerk has, upon receiving any instrument for record, written thereon the time of day when he received it as well as the day and year of such receipt, and when any town clerk has noted with the record of any instrument the time of day when he received the record, such entries of the time of day shall have the same effect as other entries that are required by law to be made. Each instrument for record shall have not less than a three-quarter-inch margin surrounding each page. Each nonconforming instrument for record shall submit a ten-dollar fee per instrument.

(d) Each town clerk shall also, within twenty-four hours of the receipt for record of any such instrument, enter in chronological order according to the time of its receipt as endorsed thereon, (1) the names of sufficient parties thereto to enable reasonable identification of the instrument, (2) the nature of the instrument, and (3) the time of its receipt.

(e) If the town clerk receives an instrument for record which in his opinion he deems to be illegible, he shall record such instrument, write thereon that it is being recorded as an illegible instrument and, if there is a return address appearing on such illegible instrument, give notice to the return addressee that a legible instrument should be submitted for rerecording forthwith. The fact that the town clerk records the instrument as an illegible instrument shall not affect its priority or validity.

(f) For tracking purposes, any instrument recorded on the land records shall have the "return to" address and the preparer's name and address on the top of the front side of the first page of each instrument. Each nonconforming instrument for record shall submit a ten-dollar fee per instrument.

Sec. 54. Section 7-29 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

When any town clerk has recorded any instrument that the town clerk knows to be a release, partial release or assignment of a mortgage or lien recorded on the records of such town, the town clerk shall make a notation on the first page where such mortgage or lien is recorded, stating the book and page where such release, partial release or assignment is recorded. **[**If the land records are not maintained in a paper form, the town clerk shall make the notation on the digitized image of the first page of such mortgage or lien in a form or manner approved by the Public Records Administrator.**]** The town clerk with whom the release, partial release or assignment of a mortgage or lien was recorded shall be exempt from manually noting such release,

partial release or assignment of a mortgage or lien if such town clerk maintains a computerized note linking the release, partial release or assignment of a mortgage or lien to the original mortgage or lien.

Sec. 55. Subsection (a) of section 7-34a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(a) Town clerks shall receive, for recording any document, ten dollars for the first page and five dollars for each subsequent page or fractional part thereof, a page being not more than eight and one-half by fourteen inches. Town clerks shall receive, for recording the information contained in a certificate of registration for the practice of any of the healing arts, five dollars. Town clerks shall receive, for recording documents conforming to, or substantially similar to, section 47-36c, which are clearly entitled "statutory form" in the heading of such documents, as follows: For the first page of a warranty deed, a quitclaim deed, a mortgage deed, or an assignment of mortgage, ten dollars; for each additional page of such documents, five dollars; and for each marginal notation of an assignment of mortgage, subsequent to the first two assignments, one dollar. Town clerks shall receive, for recording any document with respect to which certain data must be submitted by each town clerk to the Secretary of the Office of Policy and Management in accordance with section 10-261b, the sum of two dollars in addition to the recording fee. Any person who offers any written document for recording in the office of any town clerk, which document fails to have legibly typed, printed or stamped directly beneath the signatures the names of the persons who executed such document, the names of any witnesses thereto and the name of the officer before whom the same was acknowledged, shall pay one dollar in addition to the regular fee. Town clerks shall receive, for recording any deed, except a mortgage deed, conveying title to real estate, which deed does not contain the current mailing address of the grantee, the sum of five dollars in addition to the regular recording fee. Town clerks shall receive, for filing any document, five dollars; for receiving

and keeping a survey or map, legally filed in the town clerk's office, five dollars; and for indexing such survey or map, in accordance with section 7-32, five dollars, except with respect to indexing any such survey or map pertaining to a subdivision of land as defined in section 8-18, in which event town clerks shall receive fifteen dollars for each such indexing. Town clerks shall receive, for a copy of any document either recorded or filed in their offices, **[**one dollar**]** two dollars for each page or fractional part thereof, as the case may be; for certifying any copy of the same, **[**one dollar**]** two dollars; for making a copy of any survey or map, the actual cost thereof; and for certifying such copy of a survey or map, one dollar. Town clerks shall receive, for recording the commission and oath of a notary public, ten dollars; and for certifying under seal to the official character of a notary, two dollars.

Sec. 56. Section 7-74 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

The fee for a certification of birth registration, short form, shall be five dollars. **[**and the**]** The fee for a certified copy of a certificate of birth, long form, shall be **[**five**]** ten dollars, except that the fee for such certifications and copies when issued by the department shall be fifteen dollars. The fee for a certified copy of a certificate of marriage or death shall be **[**five**]** ten dollars. Such fees shall not be required of the department.

Sec. 57. (*Effective from passage*) The joint standing committee of the General Assembly having cognizance of matters relating to government administration shall conduct a study of quasi-public agencies and, not later than January 1, 2008, shall submit a report to the General Assembly on its findings and recommendations.

Sec. 58. (*Effective from passage*) (a) There is established a task force to study the need for a full time legislature, any requisite change in the compensation of members and staff of the General Assembly if a full time legislature is recommended and existing conflicts of interest for members of the legislature, including, but not limited to, an

examination of conflicts between committee assignments and private sector employment for members, an evaluation of the need for the current dual-job ban, and any other conflicts of interest that may arise for members of the General Assembly while carrying out their official duties.

(b) The task force shall consist of the following members:

(1) Two appointed by the speaker of the House of Representatives;

(2) Two appointed by the president pro tempore of the Senate;

(3) One appointed by the majority leader of the House of Representatives;

(4) One appointed by the majority leader of the Senate;

(5) One appointed by the minority leader of the House of Representatives; and

(6) One appointed by the minority leader of the Senate.

(c) Any member of the task force may be a member of the General Assembly.

(d) All appointments to the task force shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

(e) The speaker of the House of Representatives and the president pro tempore of the Senate shall select the chairpersons of the task force, from among the members of the task force. Such chairpersons shall schedule the first meeting of the task force, which shall be held not later than sixty days after the effective date of this section.

(f) The administrative staff of the joint standing committee of the General Assembly having cognizance of matters relating to government administration shall serve as administrative staff of the

task force.

(g) Not later than January 1, 2009, the task force shall submit a report on its findings and recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to government administration, in accordance with the provisions of section 11-4a of the general statutes. The task force shall terminate on the date that it submits such report or January 1, 2009, whichever is later.

Sec. 59. (NEW) (*Effective from passage*) The state comptroller shall establish a Public Work Enforcement Fund into which each state agency or corporation entering into a contract with a value of one million dollars or more for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building or any other public work by the state or a municipality shall make a transfer of one-half of one per cent of the total cost of such contract. All transfers to such fund shall be made available to the Labor Department for labor law enforcement.

Sec. 60. Subsection (g) of section 31-288 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(g) (1) Any employer who, with the intent to injure, defraud or deceive any insurance company insuring the liability of such employer under this chapter, **[**(1)**]** (A) knowingly misrepresents to such company one or more employees as independent contractors, or **[**(2)**]** (B) knowingly provides false, incomplete or misleading information to such company concerning the number of employees or the job classification of an employee, for the purpose of paying a lower premium on a policy obtained from such company, shall be guilty of a class D felony. The insurance company of any employer known to the insurance company to be in violation of this subdivision shall report such known violation to the chairman of the Workers' Compensation Commission and the Chief State's Attorney.

(2) Any employer who, with the intent to reduce the amount of security required to obtain or maintain a certificate of self-insurance under this chapter, (A) knowingly misrepresents, to the chairman of the Workers' Compensation Commission or the Insurance Commissioner, one or more employees as independent contractors, or (B) knowingly provides false, incomplete or misleading information to the chairman or the commissioner concerning the number of employees or the job classification of an employee, shall be guilty of a class D felony.

Sec. 61. Subsection (b) of section 31-290d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(b) The workers' compensation fraud unit shall submit a quarterly report detailing its activities to the chairman and the Advisory Board of the Workers' Compensation Commission and to the Insurance Commissioner. On or before December 1, 2007, and annually thereafter, the workers' compensation fraud unit shall submit a report to the joint standing committees of the General Assembly having cognizance of matters relating to insurance and labor about employer and employee workers' compensation fraud. Such report shall include, but not be limited to, the number of investigations, arrests, referrals, and prosecutions relating to such fraud, and recommendations for improving compliance with provisions of this chapter pertaining to claims for benefits, receipt or payment of benefits, or the insurance or self-insurance of liability.

Sec. 62. Section 17b-93 of the general statutes is amended by adding subsection (f) as follows (*Effective October 1, 2007*):

(NEW) (f) Notwithstanding any provision of the general statutes, if the Department of Administrative Services believes that the state of Connecticut has a claim for reimbursement from a beneficiary of aid that arises from a claim brought in the Superior Court by such a beneficiary, the Department of Administrative Services, or the

department's agent, shall, not later than thirty days after receipt of notification pursuant to section 38a-318a, file an appearance with the Superior Court in such case. Failure of the department to file such appearance not later than thirty days after receipt of notification pursuant to section 38a-318a shall result in abatement of the state's interest and right to reimbursement.

Sec. 63. Section 3-107 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

The following-described flag is the official flag of the state. The dimensions of the flag shall be five feet and six inches in length, four feet and four inches in width. The flag shall be azure blue, charged with an argent white shield of rococo design, having in the center three grape vines, supported and bearing fruit in natural colors. The bordure to the shield shall be in two colors, gold on the interior and silver on the exterior, adorned with natural-colored clusters of white oak leaves (Quercus alba) bearing acorns. Above the shield shall be a white streamer, cleft at each end, bordered by a band of gold within fine brown lines and upon the streamer in dark blue block letters shall be "CONNECTICUT". Below the shield shall be a white streamer, cleft at each end, bordered by a band of gold within fine brown lines, and upon the streamer in dark blue block letters shall be the motto "QUI TRANSTULIT SUSTINET"; the whole design being the arms of the state.

Sec. 64. Subsections (a) and (b) of section 31-57f of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) As used in this section: (1) "Required facilities services employer" means any provider of food, building, property or equipment services or maintenance listed in this subdivision whose rate of reimbursement or compensation is determined by contract or agreement with the state or any state agent: (A) Building, property or equipment service companies; (B) management companies providing property

management services; and (C) companies providing food preparation or service, or both; (2) "Required human services employer" means any provider of human services listed in this subdivision whose rate of reimbursement or compensation is determined by contract or agreement with the state or any state agent: (A) Nonprofit organizations providing services to alcohol-dependent or drug-dependent persons pursuant to section 17a-676; (B) organizations providing services to children transferred or committed to the Department of Children and Families pursuant to section 17a-12; (C) psychiatric clinics, as defined in section 17a-20; (D) day treatment centers, as defined in section 17a-22; (E) youth service bureaus established pursuant to subsection (a) of section 10-19m; (F) organizations receiving grants for programs for the treatment and prevention of child abuse and neglect and for programs for juvenile criminal diversion pursuant to section 17a-49; (G) community-based service programs, as defined in section 18-101h; (H) organizations establishing or maintaining programs for children and adults with mental retardation pursuant to section 17a-217; (I) community-based residential facilities for persons with mental retardation established pursuant to section 17a-218; (J) organizations providing programs of employment opportunities and day services for adults with mental retardation pursuant to section 17a-226; (K) private facilities licensed to provide for the lodging, care or treatment of persons with mental retardation or autistic persons pursuant to section 17a-227; (L) associations that provide day care and vocational training programs to clients referred by state agencies pursuant to section 17b-245; (M) nursing homes, rest homes and homes for the aged; and (N) any other organization contracting with the state to provide or determine eligibility for human services; (3) "Required employer" means a required facilities services employer or a required human services employer; (4) "state agent" means any state official, state employee or other person authorized to enter into a contract or agreement on behalf of the state; **[**(3)**]** (5) "person" means one or more individuals, partnerships, associations, corporations, business trusts, legal

representatives or organized groups of persons; **[**and (4)**]** (6) "building, property or equipment service" means any janitorial, cleaning, maintenance or related service; and (7) "human services" means any health care, social, preventive, curative or restorative services provided to individuals.

(b) On and after July 1, 2000, the wages paid on an hourly basis to any employee of a required facilities services employer in the provision of food, building, property or equipment services **[**provided to the state**]** pursuant to a contract or agreement with the state or any state agent, shall be at a rate not less than the standard rate determined by the Labor Commissioner pursuant to subsection (g) of this section. On and after July 1, 2008, the wages paid on an hourly basis to any employee of a required human services employer in the provision of human services, pursuant to a contract or agreement with the state or any state agent, shall be at a rate not less than the standard rate for the requisite human services occupational classification determined by the Labor Commissioner pursuant to subsection (g) of this section, provided the sum of money necessary to meet such standard rate was included in the biennial budget for the fiscal year ending June 30, 2009.

Sec. 65. (NEW) (*Effective from passage*) Notwithstanding any provision of the general statutes, if the Commissioner of Public Works requires any person submitting a bid related to the construction, reconstruction, alteration, remodeling, repair or demolition of any public building for work by the state having a cost to the state of five million dollars or more to obtain a cost analysis of such project, such cost analysis shall be prepared by a certified professional estimator certified by the American Society of Professional Estimators or such other professional organization recognized by the commissioner.

This act shall take effect as follows and shall amend the following sections:		
Section 1	*from passage*	New section
Sec. 2	*October 1, 2007*	New section

Sec. 3	*October 1, 2007*	New section
Sec. 4	*October 1, 2007*	New section
Sec. 5	*October 1, 2007*	New section
Sec. 6	*October 1, 2007*	2-90
Sec. 7	*October 1, 2007*	4-61dd
Sec. 8	*from passage*	20-281c
Sec. 9	*October 1, 2007*	2-71h
Sec. 10	*from passage*	New section
Sec. 11	*from passage*	10-29a(a)
Sec. 12	*from passage*	2c-2b
Sec. 13	*from passage*	New section
Sec. 14	*from passage*	New section
Sec. 15	*October 1, 2007*	New section
Sec. 16	*from passage*	New section
Sec. 17	*October 1, 2007*	New section
Sec. 18	*from passage*	New section
Sec. 19	*October 1, 2007*	16-2a(a)
Sec. 20	*October 1, 2007*	8-41
Sec. 21	*from passage*	New section
Sec. 22	*from passage*	3-117(c)
Sec. 23	*from passage*	4d-90
Sec. 24	*from passage*	4d-7
Sec. 25	*October 1, 2007*	New section
Sec. 26	*July 1, 2007*	New section
Sec. 27	*October 1, 2007*	New section
Sec. 28	*October 1, 2007*	New section
Sec. 29	*October 1, 2007*	New section
Sec. 30	*October 1, 2007*	New section
Sec. 31	*October 1, 2007*	New section
Sec. 32	*October 1, 2007*	2c-2b(d)
Sec. 33	*October 1, 2007*	4-166
Sec. 34	*October 1, 2007*	4-176(g)
Sec. 35	*October 1, 2007*	4-176e
Sec. 36	*October 1, 2007*	4-177
Sec. 37	*October 1, 2007*	4-177a
Sec. 38	*October 1, 2007*	4-177b
Sec. 39	*October 1, 2007*	4-177c
Sec. 40	*October 1, 2007*	4-178
Sec. 41	*October 1, 2007*	4-178a
Sec. 42	*October 1, 2007*	4-179

Sec. 43	*October 1, 2007*	New section
Sec. 44	*October 1, 2007*	4-180
Sec. 45	*October 1, 2007*	4-180a(a)
Sec. 46	*October 1, 2007*	4-181(a)
Sec. 47	*October 1, 2007*	4-181a
Sec. 48	*October 1, 2007*	4-183
Sec. 49	*October 1, 2007*	New section
Sec. 50	*October 1, 2007*	New section
Sec. 51	*October 1, 2007*	New section
Sec. 52	*July 1, 2007*	52-380d(b)
Sec. 53	*January 1, 2008*	7-24
Sec. 54	*July 1, 2007*	7-29
Sec. 55	*July 1, 2007*	7-34a(a)
Sec. 56	*July 1, 2007*	7-74
Sec. 57	*from passage*	New section
Sec. 58	*from passage*	New section
Sec. 59	*from passage*	New section
Sec. 60	*October 1, 2007*	31-288(g)
Sec. 61	*July 1, 2007*	31-290d(b)
Sec. 62	*October 1, 2007*	17b-93
Sec. 63	*October 1, 2007*	3-107
Sec. 64	*October 1, 2007*	31-57f(a) and (b)
Sec. 65	*from passage*	New section

Statement of Purpose:

To implement certain provisions relating to government administration.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]